

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45185 of 2022**

Arising Out of PS. Case No.-66 Year-2020 Thana- VAISHALI District- Vaishali

TERAS SAHNI Son of Deeplal Sahni @ Diplal Sahni Resident of Village -
Salempur, P.s.- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh
For the Opposite Party/s : Mr.Nand Kishore Pd.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 02-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Vaishali
P.S. Case No. 66/2020 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 70 liters country made liquor from the motorcycle in
question. The petitioner was not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner was not apprehended on the spot and
nothing has been recovered from the conscious possession of



the petitioner. The petitioner has been made accused in this case being owner of the said motorcycle. Seizure has not been prepared as per law. Learned counsel for the petitioner further submits that the petitioner has neither concerned with the alleged place of occurrence nor concerned with the seized liquor. The petitioner is languishing in custody since 29.06.2022 and bears criminal antecedent of 04 cases of similar nature in which he is on bail.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-2nd cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 66/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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