

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56206 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- PURNAHYA District- Sheohar

RAMU SAHNI Son of Prem Sahani Resident of Village- Piprahi Punarwas,
P.S.- Purnahiya, Distt- Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Devendra Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Md. Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Purnahiya P.S. Case No. 105 of 2021 registered for the offences punishable under Sections 30(a), 37(2) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 28.06.2021 having one criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that when he got secret information that one Ramu Sahni was going with illegal liquor at Piprahi village, on such information



he reached at that place and he saw one person was coming with a bag on his head. The informant further alleged that on seeing the police party that person tried to flee away by throwing his bag but the said person apprehended by police and disclosed his name as Ramu Sahni (the petitioner). The informant further alleged that on search of the bag of the petitioner total 20 liters Nepali Saufi liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner has got only one criminal antecedent of the year 2019 in which he is on bail and in connection with the present case he has remained in custody for over nine months.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that as per prosecution story this petitioner was allegedly fleeing away after throwing a bag from which 20 liters of Nepali Saufi liquor have been recovered and he was also found in drunken condition, the submission is that petitioner has got only one criminal antecedent of the year 2019 in which he is on bail and in connection with the present case he has remained in custody for



over nine months, investigation against him is complete, and his presence may be secured in course of trial, therefore this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sheohar in connection with Purnahiya P.S. Case No. 105 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

