

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46774 of 2022

Arising Out of PS. Case No.-769 Year-2021 Thana- KUDHNI District- Muzaffarpur

Sajjan Sah S/o Late Bhadai Sah R/o village- Chandrahiya, P.S.- Kudhani,
Turki OP, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate.

For the Opposite Party/s : Mr. Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Jitendra Narain Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kudhani (Turki OP) P.S. Case No. 769 of 2021 registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

In course of patrolling duty, the police on a secret information conducted raid and in course of search total 34.560 litres of Indian made foreign liquor was recovered and a motorcycle was also seized. The villagers disclosed the name of the petitioner and others alleging therein that they had seen the



petitioner and others, who after throwing the illicit liquor fled away.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, however, only on account of past criminal antecedent of the petitioner, his name has been implicated in this case, though he has neither any concern with the seized motorcycle nor with the illicit liquor. He next submits that the F.I.R. was registered on 23.10.2021, however, the same was sent to the jurisdictional Court on 25.10.2021 without any explanation of delay. He further submits that now the investigation of the crime is complete and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future. He lastly submits that the petitioner is in custody since 10.05.2022.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, apart from



the fact that the petitioner has neither any concern with the seized motorcycle nor with the illicit liquor, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, (Excise), Court No. II, Muzaffarpur, in connection with Kudhani (Turki OP) P.S. Case No. 769 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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