

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47925 of 2022

Arising Out of PS. Case No.-552 Year-2021 Thana- SAKRA District- Muzaffarpur

RAJU SAHANI Son of Chulhai Sahni R/V- Dedaul, P.S- Sakra, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Sakra
P.S. Case No. 552 of 2021 registered for the offences punishable
under Sections 272, 273, 308/34 of the I.P.C. and Sections 30(a)
(c), 36, 41 of Bihar Prohibition and Excise Act, 2018

As per prosecution case, there is alleged recovery
of 55 litres of country made liquor, 2500 litres mixture of
jaggery and 300 grams fungicide and other utensils from the
place of occurrence. Petitioner is not apprehended on spot. On
the basis of secret informant the name of present petitioner has
been transpired.



Learned counsel for the petitioner submits that petitioner is in custody since 22.06.2022 and bears no criminal antecedent. He further submits that nothing has been recovered either from conscious possession of the petitioner. As per the F.I.R., alleged recovery has been made from the bank of river, which is a public place, accessible to all. Petitioner is quite innocent and falsely been implicated in this case due to dirty politics of village. Petitioner is not apprehended on spot.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail, 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 Judge, Excise Court No-1, Muzzaffarpur in connection with Sakra P.S. Case No.552 of 2021 , 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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