

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48482 of 2022

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

=====

Jalandhar Sahni Son of Late Dahau Sahni Resident of Village - Dedaul, P.S.-
Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 The present case is being heard on priority basis, on

the urgent motion slip filed by the learned counsel for the

petitioner, praying there in that the mother of the petitioner died

on 24.09.2022.

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. Mahendra Thakur, learned counsel for the
petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Sakra P.S. Case No. 552 of 2021, registered for



the offences punishable under Sections 272, 273 308 and 328/34 of the Indian Penal Code and Sections 30(a)(c), 36 and 41 of the Bihar Prohibition and Excise Amendment Act, 2018.

The police on a secret information with regard to manufacturing of illicit wine, raided the place of occurrence and from the bank of Gandak River, adjacent to the house of the petitioner, 20 liters country made liquor was recovered. It is also alleged that on noticing the police party, accused persons including the petitioner succeeded in fleeing away. .

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession. He further submitted that from the FIR, it would be evident that alleged recovery was made from the bank of Gandak river and the petitioner has neither any concern with the place from where recovery has been made nor with the illicit wine. He also submitted that other co-accused persons having identical allegation, have already been granted bail by different learned Co-ordinate Bench of this Court in Cr. Misc. No. 16 of 2022, vide order dated 10.05.2022. He last submitted that the petitioner having fair antecedent, is in custody since 08.06.2022.



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

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the bank of the river and neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his person and possession, apart from the fact that petitioner having fair antecedent, is in custody since 08.06.2022, let the petitioner, named above, be released on bail on furnishing bail bonds 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.I, Muzaffarpur in connection with Sakra P.S. Case No. 552 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.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

