

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48334 of 2022

Arising Out of PS. Case No.-560 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

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SUJEET SAHNI @ SUJIT KUMAR SAHNI S/o Chulahai Sahani Resident of
Village- Shekhpur Dhab, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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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.

The petitioner seeks bail in connection with

Ahiyapur P.S. Case No. 560 of 2020 registered for the offences

punishable under Sections 272, 273 of the Indian Penal Code

read with Section 30(a)/36 of the Bihar Prohibition and Excise

Act.

As per prosecution case, there is alleged recovery

of 297 litres foreign liquor from the house of the petitioner.

Petitioner is not apprehended on spot.

Learned counsel for the petitioner submits that the

petitioner has been remanded in this case from Ahiyapur P.S.



Case No. 305 of 2021 on 02.06.2022 and since then he is in jail. Petitioner bears two criminal antecedents. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. Recovery has been made from a hut which does not belong to the petitioner rather it belongs to co-accused Shatrudhan Sahani. Co-accused Shatrudhan Sahani has already been granted bail vide Cr. Misc. No. 40693 of 2020 by a co-ordinate bench of this Court and the case of present petitioner stands of similar footing.

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 as well as period of custody, petitioner is not apprehended on spot, co-accused has already been granted bail by a co-ordinate bench of this Court 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. - I, Muzaffarpur in connection with Ahiyapur P.S. Case No. 560 of 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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