

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58760 of 2021

Arising Out of PS. Case No.-544 Year-2021 Thana- TURKAULIYA District- East
Champaran

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Sanjay Sahani Son of Bhukhal Sahani Resident of Village - Gadariya, P.S.-
Raghunathpur (O.P.), District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application for grant of bail has been filed on
behalf of the petitioner who has been made accused and put
behind the bar in connection with Turkauliya P. S. Case No. 544
of 2021 registered for the offences punishable under Sections
272, 273 and 34 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that on a
secret information, the Police raided the house of the petitioner,



from where the petitioner was apprehended along with 240 litres of raw spirit and 21 litres of country-made pouch kept on a motorcycle. It is further alleged that three persons were fled away from the place of occurrence.

The learned counsel for the petitioner submits that the recovery is said to have been made from the house, which is a joint family house. Apart from the fact that this petitioner having clean antecedent, is in custody since 12.07.2021. It is next submitted that the investigation has been concluded and moreover charge-sheet has already been submitted in the present case. There is no chance of absconding of the petitioner and tampering with the evidence.

On the other hand, learned APP for the State opposes the bail application of this petitioner stating that the recovery has been made from the house of the petitioner.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that the recovery has been made from the house of the petitioner, which is said to be a house of joint family and this petitioner has no criminal antecedent and is in custody since 12.07.2021. Let the petitioner, above named, 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, Motihari, East Champaran in connection with Turkauliya P. S. Case No. 544 of 2021, subject to the condition that one of the bailors will be the close relative 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)

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