

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60032 of 2021**

Arising Out of PS. Case No.-190 Year-2019 Thana- MOTIPUR District- Muzaffarpur

Dinesh Sahni, S/o Shatrudhan Sahani, R/o Village- Nariyar Nawada, P.S.-
Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 12-04-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Motipur P.S. Case No. 190 of 2019 for the offences punishable under Sections 30(a), 38(1) (2), 41 (1) (2) of the Bihar Excise and Prohibition Act.

As per the prosecution case, it is alleged that the police on secret information raided the house of the petitioner from where 43.200 litres of foreign liquor has been recovered.

It is submitted on behalf of the petitioner that recovery has been made from the joint family house and this



petitioner was not arrested at the spot, rather he himself surrendered on 27.08.2021. It is next submitted that co-accused Satrugan Sahni and Raj Kishore Sahni, who happen to be the father and brother of this petitioner, have already been granted bail by different coordinate Benches of this Court in Cr. Misc. No. 37808 of 2019 and Cr. Misc. No. 83703 of 2019 vide order dated 21.06.2019 and 17.12.2019 respectively, as contained in Annexures- 2 and 3 to this application. It is next submitted that investigation has already been concluded and charge-sheet has also been submitted in this case and there is no chance of absconding and tampering with the evidence.

On the other hand, learned APP for the State opposes the prayer for bail of the petitioner.

Having considered the submissions made on behalf of the parties and also taking into consideration this fact that recovery has been made from the joint family house of the petitioner and, moreover, the other accused persons having similar allegation, have been granted bail by different coordinate Benches of this Court and the petitioner is in custody since 27.08.2021, 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 Act, Muzaffarpur in connection with Motipur P.S. Case No. 190 of 2019 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)

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