

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52282 of 2022**

Arising Out of PS. Case No.-528 Year-2021 Thana- BANKA District- Banka

Umesh Sahni, S/o Babulal Sahani, R/o village- Patedha Jairam, P.S.- Vaishali  
(Belsar O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajeev Ranjan No.Ii, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      19-11-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Banka (Barahat) P.S. Case No. 528 of 2021  
registered for the alleged offences under Sections 30(a) and  
32(2) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret  
information about a truck carrying illicit liquor and the said  
truck was intercepted and from a secret compartment of this  
truck a total of 2803.68 litres of Indian made foreign liquor was  
recovered. The co-accused driver was apprehended and the  
name of the petitioner transpired during investigation as one the



accused persons involved in the trafficking of illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on the basis that the petitioner was in contact with co-accused Master Saheb, holder of Mobile No. 9341219607 and except for this fact, nothing has come on record to show the involvement of the petitioner in the illicit trafficking of liquor. The petitioner is neither the owner of the truck nor the driver of the truck from which recovery is said to be made. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of this petitioner and he has got no concern with the allegedly seized contraband. Similarly placed co-accused Anil Singh has been granted bail by a Coordinate Bench of this Court vide order dated 05.08.2022 passed in Criminal Misc. No. 30963 of 2022. The petitioner is in custody since 29.06.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further



considering the fact that the petitioner was not apprehended from the spot and no recovery has been made from the conscious possession of the petitioner and further considering submission of charge-sheet along with the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II, Banka in connection with Banka (Barahat) P.S. Case No. 528 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:

- (i) One of the bailors will be close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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