

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63649 of 2021**

Arising Out of PS. Case No.-654 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Jalandhar Sahni, Son of Late Hanuman Sahni, Resident of Mohalla-
Sikandrapur Kundal Bandh, P.S.- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Town
P.S. Case No.654 of 2021 registered for the offence punishable
under Sections 272, 273/34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On a secret information that the petitioner and one
co-accused Amarjeet Sahni were carrying illicit liquor, the
vehicle has been stopped and 50 litres country-made wine has
been recovered. Petitioner is stated to be one of the two persons
who fled away from the vehicle.

Petitioner's counsel submits that there is no basis
for the petitioner's identification by the informant (police



officer). The petitioner is in custody since 07.09.2021. Even as per prosecution case, he was not present at the place of recovery. He has no concern with the vehicle in question and recovery behind the petitioner's back was not in accordance with the mandatory procedure under Section 100 Cr,P.C. Investigation is also stated to be complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the fact that the petitioner was not present at the place of recovery and there is no recovery from the petitioner's conscious possession as also the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Town P.S. Case No.654 of 2021, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will



give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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