

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64049 of 2021

Arising Out of PS. Case No.-340 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Jitendra Sahni, aged about 45 years male, Son of Jagdish Sahni Resident of
Village- Madhopur Hazari, P.S. - Sahebganj, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rudal Singh, Adv.
For the State	:	Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

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

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in *Sahebganj PS Case No. 340*
of 2019, instituted for the offence punishable under Sections
272 and 273 of the Indian Penal Code and Sections 30(a), 36
and 38 of the Bihar Prohibition and Excise Act.

432.990 liters illicit English liquor has been recovered
from the courtyard of co-accused *Basant Sahni*. Petitioner's
implication is based on statement of co-accused *Basant Sahni*
that illicit liquor was brought by the petitioner.



Learned counsel for the petitioner submits that recovery is from the house of co-accused *Basant Sahni*. Merely, on his statement, the petitioner has been implicated in this case though he was not present at the place of recovery nor there is any recovery from his conscious possession. He is in custody since 03-09-2021 and stated to be on bail in the three cases pending against him, since before, as per disclosure made in paragraph No.3 of the bail petition. The investigation is also stated to be complete.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody, that there is no recovery from the petitioner and he was not present at the place of recovery 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 the learned *Additional Special Judge, Excise Act, Muzaffarpur*, in connection with *Sahebganj PS Case No. 340 of 2019*, corresponding to GR No. 1482 of



2019, 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.

(Madhuresh Prasad, J)

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