

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64795 of 2021

Arising Out of PS. Case No.-18 Year-2013 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Madan Sahni Son Of Mahendra Sahni Resident Of Village- Basudeopur,
Police Station- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv
For the Opposite Party/s : Ms.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with S.Tr.No.25 of 2021 arising out of Excise Case No.18 of 2013, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that on 25.11.2011 on secret information the informant alongwith other police party have raided the house of the petitioner and in course of search there was recovery of 35 liters of illegal Jawa, 30 liters of



country made liquor and 9 Kg plastic bags used for liquor packing from the house of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the seizure list was prepared on 25.11.2021 and the prosecution report had submitted on 02.03.2012 after lapse of more than three months. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the house of the petitioner. Learned counsel for the petitioner submits that the petitioner and other family members are living in the joint house property. The petitioner is not the exclusive owner of the house in question and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 13.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, 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 Additional



Sessions Judge-II-cum-Special Judge, Excise Act, Samastipur in connection with S.Tr.No.25 of 2021 arising out of Excise Case No.18 of 2013 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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