

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65106 of 2021

Arising Out of PS. Case No.-188 Year-2020 Thana- KARJA District- Muzaffarpur

Umesh Sahni S/O Late Sakal Dev Sahni R/o village- Barkagaon Utri, P.S.-
Katra, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ajay Kr. Thakur, Advocate
		Mrs. Vaisnavi Singh, Advocate
For the Opposite Party/s :		Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-05-2022 Heard Mrs. Vaisnavi Singh, learned counsel for the
petitioner and the learned APP for the State.

The petitioner is an accused under section 272 and
273/34 of the Indian Penal Code and Section 30 of the Bihar
Prohibition and Excise Act in connection with Karja P.S. Case
No. 188 of 2020.

Learned counsel for the petitioner at the outset
submits that the P.S. Case No. has wrongly been stated in para-
1 of the bail application as Karja P.S. Case No. 188 of 2021. She
further submits that it has been corrected as Karja P.S. case no.
188 of 2020 by filing a supplementary affidavit.

The allegation as it unfolds in the FIR, is that the
police party received an information that a ten wheeler container



was stuck in mud from which liquor was being unloaded on a pick-up vehicle by the named accuseds Brijesh Sahni and Vijay Sahni. It has further been alleged in the FIR that the same was being done under the protection of Umesh Sahni (the petitioner herein) and Upendra Sahni. The police reached the spot and in the presence of independent witnesses, seized 300 cartons of biscuits and in the midst of which, 16 cartons of Indian Made Foreign Liquor, all totaling 142.920 were recovered.

It is in this way that the petitioner came into judicial custody on 21.9.2021 (as stated in para-16 of the bail application).

Learned counsel for the petitioner submits that the petitioner has remained in custody since last 8 months, charge-sheet has already been submitted. She further attributes notice to this Court's an order passed in Cr. Misc. No. 60122 of 2021 dated 11.3.2022 by which the owner of the truck namely Majid Husain has been granted bail by a coordinate bench of this Court.

Let the same be kept on record.

She lastly submits that some other accused persons including Vijay Paswan has also been granted bail vide Cr. Misc. No. 478 of 2021.



Taking into account the aforesaid facts including the fact that the charge-sheet has already been submitted and some other accused persons have been granted the privilege of bail as also that he is in jail since 21.9.2021; this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur, in connection with Karja P.S. Case No. 188 of 2020 subject to the following conditions:-

(i) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(ii) he shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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