

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65080 of 2021

Arising Out of PS. Case No.-107 Year-2021 Thana- KANHAULI District- Sitamarhi

BHAGYANARAYAN SAHNI Son of Rajendra Sahni R/o Village - Shahpur
Shitapatti, Sahni Tola, P.S. - Sahiyara, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.K.Kishore. App.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 20-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Kanhauli P.S. Case No. 107 of 2021, for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is recovery of 198 litres of Nepali
liquor kept in several bags.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that petitioner was
not apprehended on the spot and he has been roped in the
present case on the confessional statement of Binod Kumar. He
further submits that similarly situated co-accused has already



been granted bail by this Court vide order dated 19.05.2022 passed in Criminal Miscellaneous No. 58235 of 2021. The petitioner is in custody in custody since 08.09.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that it would not be in the interest of the society to release the petitioner on bail as after consuming country made liquor hooch tragedy is rampant in the State of Bihar.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 50,000/- (Rs. Fifty thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge (Excise Act), Sitamarhi in connection with Kanhauli P.S. Case No. 107 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

