

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66962 of 2021

Arising Out of PS. Case No.-834 Year-2020 Thana- AHYAPUR District- Muzaffarpur

Amar Sahani @ Amar Kumar Sahani, S/o Kishun Sahani, R/o Village-
Koluha Paigambarpur, Harisah Chowk, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Rajiv Kumar, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Ahiyapur
P.S. Case No.834 of 2020 registered for the offence punishable
under Sections 272, 273 of the Indian Penal Code and Sections
30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

14 bottles containing 375 ML (5.250 ML.) country-
made liquor has been recovered from the house of the petitioner.

Counsel for the petitioner submits that nothing has
been recovered from the conscious possession of the petitioner.
The recovery has been made from the house, which is in joint
possession of the family. Petitioner has one antecedents, in
which he is stated to be on bail. He is in custody since



22.09.2020. Similarly situated co-accused Lalbabu Sahani and Jagat Sahani have been allowed bail in Cr.Misc. No.17337 of 2021 and Kishun Sahni has been allowed bail in Cr.Misc. No.25992 of 2021.

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

Considering the rival submissions as also the fact that that nothing has been recovered from the conscious possession of the petitioner as also the period of custody, 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 Special Judge, Excise, Muzaffarpur, in connection with Ahiyapur P.S. Case No.834 of 2020, 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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