

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66811 of 2021**

Arising Out of PS. Case No.-137 Year-2021 Thana- KALYANPUR District- Samastipur

PRABHU SAHNI S/o Nagi Sahni R/o Village- Barhetta, P.S.- Kalyanpur,  
District- Samastipur. ... .. Petitioner/s

Versus

The State Of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Subodh Kumar, Advocate  
For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      13-05-2022                      Heard learned counsel for the parties through video  
conferencing in view of the COVID -19.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in custody in connection with Kalyanpur P.S. Case No. 137 of 2021 registered under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 41 (I) (ii) of the Bihar Prohibition and Excise Act.

As per the allegation, the police upon information reached the house of the petitioner but found one person rushing out of the house and escaping in the garb of darkness. Subsequently, the police raided place behind the petitioner's house and it is alleged that altogether 182.055 liters foreign liquor was recovered. The same was seized and FIR was lodged against the petitioner.

Learned counsel for the petitioner submits that neither



he has been arrested from the spot nor anything has been recovered from his conscious possession. Even the alleged foreign liquor has been seized from the back of his house which under no circumstances can be attributed to him. He lastly submits that he is in jail since 24.08.2021 (as stated in paragraph-8 of the bail application).

Considering the aforesaid facts that the seized articles have been seized outside the house of the petitioner, charge sheet has already been submitted and he is in jail since 24.08.2021; this Court is inclined to grant him privilege of bail with certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner 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 ADJ- 2<sup>nd</sup> cum Special Judge, Excise, Samastipur in connection with Kalyanpur P.S. Case No. 137 of 2021, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner 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;

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

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

The bail application is allowed with the aforesaid observations.

**(Rajiv Roy, J)**

Jagdish/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

