

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67093 of 2021**

Arising Out of PS. Case No.-744 Year-2019 Thana- SARAIYA District- Muzaffarpur

Harinath Sahni, Son of Mahendra Sahni Resident of Village - Rewa  
Basantpur, P.s.- Saraiya, Distt.- Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      08-03-2022                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

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.

The petitioner seeks bail in connection with Saraiya P.S. Case No. 744 of 2019 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 30 liters of illicit liquor is made near the house of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and has falsely been implicated in this case only on the basis of suspicion. He further submits that nothing has been recovered from the conscious



possession of the petitioner rather recovery has been made near the house of the petitioner. He further submits that the police after investigation submitted charge-sheet against the petitioner and other accused persons. The petitioner is rotting in judicial custody since 26.08.2021.

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 above named, 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 learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No. 744 of 2019, 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 absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

(2) If the petitioner tamper 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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