

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55957 of 2022

Arising Out of PS. Case No.-229 Year-2021 Thana- BENIPATTI District- Madhubani

Ram Bahadur Sahni son of Late Aklu Sahni Resident of Village-Ranipur
Matrahri, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Benipatti P.S. Case No. 229 of 2021 registered
for the alleged offences under Sections 272 and 273/34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
Act and Excise (Amendment) Act, 2018.

As per prosecution case, police received information
about the petitioner and other co-accused persons bringing a
consignment of illicit liquor and getting it unloaded at the house
of the co-accused Ram Kumar Sahni. A raid was conducted and
the petitioner and other co-accused persons fled away from the



spot. The petitioner is stated to be one of the escaped persons. On search of the vehicle and from cowshed of the co-accused 873 litres of Nepali country made liquor was recovered.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot. Nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the vehicle seized in this case or the place from where further recovery has been made. The petitioner is in custody since 27.05.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and further considering the submission of charge-sheet and his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 229 of 2021, subject to the conditions



mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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