

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56882 of 2022

Arising Out of PS. Case No.-349 Year-2021 Thana- MINAPUR District- Muzaffarpur

Sikandar Kumar Sahni @ Sikindar Sahni @ Sikandra, S/o Rambabu Sahni
R/V- Dharpur, P.S.- Minapr, Distt-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, 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 Minapur P.S. Case No. 349 of 2021, registered
for the alleged offences under Sections 272, 273/34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act.

As per the prosecution case, recovery of 50 litres of
spirit was made from bushes near a village road which was
allegedly kept there by the petitioner.

Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot and nothing



incriminating has been recovered from his conscious possession. The recovery has not been made from a place belonging to this petitioner. The petitioner is in custody since 03.06.2022 and charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in eleven cases mostly of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from the conscious possession of the petitioner and further considering the period of custody along with the submission of charge sheet, 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 Exclusive Special Excise Court No.1, Muzaffarpur in connection with Minapur P.S. Case No. 349 of 2021 subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the



petitioner.

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

(iv) 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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