

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57056 of 2022

Arising Out of PS. Case No.-119 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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LALAN SAHNI @ KALI SAHNI, Son of Surendra Sahni Resident of Barka
Gaon, North Ward No.- 02, P.S.- Karja, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. 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 Excise P.S. Case No. 119 of 2018 registered for
the alleged offences under Sections 30(a) and 38 of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 788.160 liters
of India made foreign liquor was made from the hut of the
petitioner who escaped from the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this



case. Learned counsel submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The liquor has been seized from the joint property house of the petitioner and his co-sharers. The petitioner has no concern with the allegedly seized liquor. The prosecution report has been submitted in this case and the petitioner is in custody since 07.09.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got criminal antecedent.

Having regard to the facts and circumstances and submission 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 also considering the submission of charge sheet along with period of custody of the petitioner, 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 Special Judge (Excise) Court No. II, Muzaffarpur in connection with Excise P.S. Case No. 119 of 2018, subject to the conditions mentioned in Section



437(3) of the Code of Criminal Procedure and also 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)

Gautam/daya

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