

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68874 of 2021

Arising Out of PS. Case No.-400 Year-2021 Thana- AHYAPUR District- Muzaffarpur

AAKASH KUMAR @ AAKASH SAHNI S/o Ashok Sahni R/o Village-
Jagdambanagar, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Rakesh, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 19.10.2021,
seeks regular bail in connection with Ahiyapur P.S. Case No.
400 of 2021, for the offence punishable under Sections 272 and
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in brief, is that altogether
32.535 litres of Indian Made Foreign Liquor was recovered in
course of fleeing of the petitioner after throwing sack
containing the illicit liquor.



Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner is in custody since 19.10.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and the fact there is no allegation of tampering the evidence or influencing the witnesses and the trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19. The learned Court below is directed to verify the criminal antecedent of the petitioner and if no case is pending against the petitioner, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Spl. Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 400 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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