

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57492 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- NATIONAL HIGHWAY District-
Samastipur

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1. Sanjay Kumar Sahni, Son of Late Ram Dayal Sahni, R/V- Khetapur, P.S- Sarairanjan, Dist- Samastipur
 2. Sunil Kumar, Son of Ramsagar Mahto R/V- Bhuidhara, P.S- Muffasil, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

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

In the present case, the petitioners seek bail in connection with N.H. Bangra P.S. Case No. 90 of 2022, registered for the alleged offence under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the petitioners were apprehended with their vehicle and recovery of 234 liters of India made foreign liquor was made from the said vehicle. The petitioner no.1 is stated to be the owner-cum-driver of the vehicle and the petitioner no.2 was co-passenger.



The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. One Umesh Singh has hired the vehicle and loaded the cartons and the petitioners have no knowledge about the cartons and the nature of consignment. Nothing incriminating has been recovered from the conscious possession of the petitioners. Moreover, there is no compliance of Section 100 of Cr.P.C. The charge sheet has been submitted in this case. The petitioners are in custody since 31.07.2022 and are having clean antecedents.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and period of custody of the petitioners along with their clean antecedents, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Samastipur, in connection with N.H. Bangra P.S. Case No. 90 of 2022, 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 petitioners.



(ii) The petitioners 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 petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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