

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69814 of 2021**

Arising Out of PS. Case No.-180 Year-2021 Thana- AURAI District- Muzaffarpur

RAMDULAR SAHANI @ PAHALWAN SAHANI Son of Late Kalpu Sahani
Resident of village - Bara Vistha, P.S.- Aurai, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 23-05-2022

Heard learned counsel for the parties.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in custody in connection with Aurai
P.S. Case No. 180 of 2021 registered under Sections 272 and
273/34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act.

As per the prosecution story, police upon confidential
information raided the house of the petitioner and
recovered/seized 378 liters 21 ml of IMFL. As per the FIR, the
petitioner tried to escape but was apprehended. After completing
the procedure as the police was returning, the police got another
information and accordingly raided the house of Sanoj Sahani
and recovered/seized 91 liters 500 ml of Indian Made Foreign



Liquor and 30 liters of raw spirit, while Pritam Sahni was arrested. It has been alleged that Vikash Sahani, Sanoj Sahani and Sibu Sahani managed to escape.

Learned counsel for the petitioner submits that although the petitioner has been arrested from the spot, the alleged recovery of the seizure of 378 liters 21 ml of IMFL cannot be attributed to him in view of the fact that the house belongs to a joint family. She further submits that he has no criminal antecedent and is in jail since 02.10.2021 (as stated in paragraph-12 of the bail application)

Taking into account the aforesaid facts that the petitioner has no criminal antecedent and he is in jail since 02.10.2021, this Court is inclined to grant him the privilege of bail. However, it is found that he do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Aurai P.S. Case No. 180 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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