

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70188 of 2021**

Arising Out of PS. Case No.-528 Year-2020 Thana- SARAIYA District- Muzaffarpur

=====

SANJAY KUMAR @ SANJAY SAHNI S/o Yadunandan Sahani Resident of-
Balughat, P.S.- Sikandarpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Subhash Kumar, Adv

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

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 11-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Saraiya P.S.Case No.528 of 2020, registered for the offence under Sections 272,273 and 34 of IPC and Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 746.625 liters of illicit foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR that the recovery has been made from the



Pick-Up Van in question which was standing in front of the house of co-accused, namely, Nawal Rai. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that co-accused, namely, Nawal Rai @ Nawal Kishore Rai and Dilip Rai @ Dilip Kumar have been granted privilege of anticipatory bail vide order dated 27.07.2021 in Cr. Misc. No.13583 of 2021 and another co-accused, namely, Randhir Kumar @ Randhir Rai and Shyam Kumar have also been granted privilege of anticipatory bail vide order dated 11.01.2022 in Cr. Misc. No. 14251 of 2021 by different Coordinate Benches of this Hon'ble Court and the petitioner is in custody since 08.10.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S.Case No.528 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

