

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58587 of 2022

Arising Out of PS. Case No.-412 Year-2021 Thana- AHYAPUR District- Muzaffarpur

Harendra Sahni Son of Fuldev Sahi @ Pundev Sahni @ Pindeb Sahni R/V-
Damodarpur, P.S- Ahiyapur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-11-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 412 of 2021, registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code, Section 30(a), 36 of the Bihar Prohibition and Excise Act, 2016 and Section 20 and 22 of the N.D.P.S Act.

As per allegation, 105 packet of smack and 18 litres of liquor, buried under soil have been recovered from three accused persons.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the accused-petitioner, Harendra Sahni and his name has transpired only in the confessional statement of co-accused, Ritesh Kumar.

The petitioner has been languishing in jail since 29.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved earlier before this Court for grant of anticipatory bail vide Cr. Misc. No. 35396 of 2022.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Ahiyapur P.S. Case No.



412 of 2021, **after framing of charge, if already not framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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