

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59183 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- KATHAIYA District- Muzaffarpur

Shiv Mangal Sahni, Son of Dukhan Sahni, R/V- Chaukiya, P.s- Baruraj, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kathaiya P.S. Case No. 132 of 2022 registered
for the alleged offences under Sections 30(a) and 41(i) of the
Bihar Prohibition and Excise Act.

As per prosecution case, police received secret
information about some persons carrying consignment of illicit
liquor by a pick-up van. On seeing the police party three persons
started fleeing away and after chase they were apprehended. The
petitioner is one of the apprehended persons. Recovery of total
177.75 litres of India made foreign liquor was made from the



bolero pick-up van.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the seized illicit liquor or the vehicle in question from which the recovery has been shown. The petitioner is neither the owner nor the driver of the said vehicle. Learned counsel further submits that the said vehicle belongs to co-accused Chandan Kumar. The petitioner is in custody since 28.08.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from the petitioner and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of Special Judge Excise Court No.-II, Muzaffarpur in connection with Kathaiya P.S. Case No. 132 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 petitioner.

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

(Arun Kumar Jha, J)

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