

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2735 of 2023

Arising Out of PS. Case No.-547 Year-2021 Thana- BANKA District- Banka

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HARENDRA KUMAR @ HARENDRA SAHNI @ HARENDRA KUMAR
SAHNI SON OF RAJENDRA SAHNI R/O VILLAGE- KHALISHPUR, P.S.-
SARAIKARANJAN, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Banka
(Barahat) P.S. Case No. 547(A) of 2021 registered for the
offence under Sections 30(a), 32(2) of Bihar Prohibition and
Excise Amendment Act, 2018.

Recovery is of 711 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that it appears
from the FIR and the seizure list that nothing incriminating
has been recovered from the conscious possession of the
petitioner. He further submits that the petitioner happens to



be the owner of the Pick-Up van in question and on that ground alone, he has been made accused in this case. In fact, the petitioner has handed over his vehicle to one Lakhendra Sahni on monthly rental basis. He further contends that the petitioner has no concern at all with the alleged recovery. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 23.09.2022.

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

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Additional District and Sessions Judge-II, Banka in connection with Banka (Barahat) P.S. Case No. 547(A) of 2021 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 canceled 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)

Ajay Singh/-

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