

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20109 of 2023

Arising Out of PS. Case No.-38 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Upendra Sahni S/O Bhola Sahni R/O Village- Chaturi Punas, P.S- Ahiyapur,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Excise

Case No. 38 of 2021, registered for the offences punishable

under Sections 30(a) and 30(c) of the Bihar Prohibition and

Excise (Amendment) Act, 2018.

As per allegation, from the hut of the petitioner, 35

litres of illicit country made liquor, 1600 litres of fermented

mixed jaggery materials and other equipment for making

country made liquor has been recovered.

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 conscious physical possession of the petitioner. He also submits that the recovery has been made from a hut, which is an open place.

He further submits that the petitioner has been languishing in jail since 19.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner is also involved in three other cases of similar nature of offence.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for regular bail.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Excise Case



No. 38 of 2021, 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 get hampered 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 antecedents other than the disclosed on, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents 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, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

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)

Amrendra/-

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