

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21060 of 2023**

Arising Out of PS. Case No.-414 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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UPENDRA SAHNI SON OF BHOLA SAHNI R/O VILLAGE- CHATURI
PUNAS, P.S.- AHIYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shashank Shekhar,Advocate
	:	Ms. Kumari Shubham, Advocate
For the Opposite Party/s :		Mr.Anil Kumar,APP

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

3 18-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
06.02.2023 in connection with Muzaffarpur Excise Case No.
414 of 2022, F.I.R. dated 16.05.2022 registered for the offence
punishable under Sections 30(a),30(c) of Bihar Prohibition and
Excise Act.

Recovery is of 10 liters of illicit Chulai liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that it appears from the FIR as well as the
seizure list that nothing has been recovered from conscious
possession of the petitioner rather the recovery has been made



from the house of co-accused persons, namely, Laxman Sahani and the so called Hut of the petitioner. Further submits that the name of the petitioner has been transpired during investigation on the basis of the confessional statement of co-accused person, namely, Bindeshwar Sahani. Further submits that the so called Hut is not belonged to the petitioner and the petitioner has no concern at all with the alleged recovery of illicit liquor and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 06.02.2023.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all these cases.

Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, 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 Court No.-II, Muzaffarpur in connection with Muzaffarpur Excise Case No. 414 of 2022, 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.

(3) 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)

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