

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36745 of 2023

Arising Out of PS. Case No.-1019 Year-2021 Thana- AGAMKUAN District- Patna

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JAWAHAR SAHANI Son of Late Uttam Sahni Resident of village -
Chaknasir, Sukki, P.S. - Patepur, Distt. - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh

For the Opposite Party/s : Mr.Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Agamkuan P.S. Case No. 1019/2021 registered for the offences
punishable under Sections 30(a), 32 and 41 (1) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 7173 liters foreign liquor from truck in question. Petitioner
is not apprehended on the spot and apprehended co-accused,
Suresh Kumar disclosed the name of petitioner who is involved
in the alleged occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is languishing in custody since 12.05.2023 and bears no criminal antecedent. He further submits that petitioner has neither concerned with the said truck in question nor concerned with the seized liquor. Apprehended co-accused Suresh Kumar and Hira Mahto have also been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. No.5277/2022 and Cr. Misc. No.4175/2022 respectively and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City in connection with Agamkuan P.S. Case No. 1019/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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