

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49289 of 2023

Arising Out of PS. Case No.-159 Year-2022 Thana- PURNAHYA District- Sheohar

Niranjan Sahni Son Of Jimadar Sahni R/V Belwa Narkatiya P.S.- Piprahi,
Distt- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.05.2023 in connection with Purnahiya P.S. Case No. 159 of
2022, F.I.R. dated 22.09.2022 for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2016.

Recovery is of total 166.2 liters of Nepali country
made liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession or the house of the petitioner rather the



recovery has been made from the forest area of Adauri. He further submits that the name of the petitioner has been transpired on the basis of disclosure made by local chaukidar and petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that similarly, situated co-accused namely, Neta Sahni and Umesh Sahni have been granted anticipatory bail by a co-ordinate Bench of this Hon'ble Court vide order dated 24.04.2023 passed in Cr. Misc. No.10356 of 2023, another co-accused namely, Suraj Sahni has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 14.07.2023 passed in Cr. Misc. No.41776 of 2023 and another co-accused namely, Harendra Sahni has already been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 28.06.2023 passed in Cr. Misc. No.37950 of 2023. The petitioner is in custody since 11.05.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on



the basis of disclosure made by local Chaukidar, 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 the learned Exclusive Special Judge, Excise Court, Sheohar in connection with Purnahiya P.S. Case No. 159 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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