

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53686 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- PURNAHYA District- Sheohar

KAMLESH SAHNI Son of Late Makhan Sahni Resident of village - Narkatia
Belwa, P.S. - Piprahi, Distt. - Sheohar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-08-2023 Heard the parties.

The petitioner is in custody since 17.05.2023 in connection with Purnahiya P.S. Case No. 27 of 2023 for the offence punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act 2018, lodged on 06.03.2023 by the informant, Jitendra Mahto.

As per the prosecution story, the allegation is that the police, upon information that wine is being carried through the river, reached the place but the accused persons escaped throwing sacks in the river. With the help of the local fishermen the sacks were recovered and 1326 liters country-made liquor seized. The locals gave the name of the accused persons, this way the petitioner came in net. Accordingly, the FIR.

It is the case of the petitioner that admittedly, the



recovery is from the river, nothing has been recovered from the conscious possession, he is in custody since 17.05.2023 (as stated in paragraph-11 of the petition) although he concede that he has criminal antecedent. Further submission is that irrespective of the outcome of the present petition and/or accepting the allegation he would like to pay Rs. 5,000/- to the Patna High Court Legal Services Committee.

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the submission put forward by the learned counsel for the petitioner as also that the alleged recovery is from the river, nothing has been recovered from his conscious possession and is in custody since 17.05.2023, this Court is inclined to extend him the privilege of bail subject to the payment of Rs. 5000/- as undertaken by the learned counsel for the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise, Sheohar, in connection with Purnahiya P.S. Case No. 27 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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