

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60518 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- DEODHA District- Madhubani

ANIL KUMAR SAHNI @ LAKKI S/o- LATE BUDHAN SAHNI R/o-
Usrahi Mishri Lal Chowk W.No-4, Ps- Deodha Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Deodha P.S. Case No. 67 of 2023 registered for the offences punishable under Sections 272, 273, 414 of the IPC and Section 30(a) of the Bihar Prohibition Excise Act.

3. As per prosecution case, on secret information, informant alongwith police team reached near Irarwa brick kiln where one person was standing with motorcycle and sack. After seeing the police team the aforesaid person tried to escape but he was apprehended by the police who disclosed his name as Anil Kumar Sahni @ Lakki (petitioner). On search 450 litre illicit Nepali liquor was recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is in custody since 14.07.2023. Petitioner bears criminal antecedent of four cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner has no connection with the motorcycle in question. Petitioner has nothing to do with the alleged recovery. Nothing has been recovered from conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in the present case. There is gross violation of mandatory provision of Section 100 of the Cr.P.C.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Deodha P.S. Case No. 67 of 2023, 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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