

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65937 of 2023

Arising Out of PS. Case No.-425 Year-2023 Thana- TAJPUR District- Samastipur

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ASHOK SAHANI @ ASHOK KUMAR SAHNI S/O PULINDRA SAHANI
@ PULINDAR SAHNI R/V- GUNAI BASAHI, PS. TAJPUR, DIST.
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 29-11-2023 Learned counsel for the petitioner is permitted to make necessary correction in para 10 of bail petition filed on behalf of the petitioner during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Tajpur P.S. Case No. 425 of 2023 registered for the offences punishable under Sections 30(a), 41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act.

4. As per prosecution case, 785.665 litre foreign liquor was recovered from the Bolero vehicle in question. Petitioner apprehended on the spot who disclosed the name of other co-accused persons who succeeded in fleeing away from



the place of occurrence.

5. Learned counsel for the petitioner submits that petitioner is neither owner nor cleaner of the said vehicle in question. Petitioner is in custody since 31.07.2023 and bears no criminal antecedent. Learned counsel for the petitioner orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case merely in suspicion. Nothing has been recovered from the conscious possession of the petitioner.

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

7. 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court – II, Samastipur in connection with Tajpur P.S. Case No. 425 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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