

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61854 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- HARLAKHI District- Madhubani

AWADH SAHNI, male, aged about 30 years, S/O MAHENDRA SAHNI
Resident of Village- Umgaon, P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Namrata Mishra, Adv.

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 13-01-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with GR No. 1339 of 2022 arising out of Harlakhi PS Case No. 236 of 2022 , registered for the offence punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

43.8 liters illicit liquor is alleged to be recovered from some utensils which were tied by the petitioner's motorcycle, while he was stopped by the police during routine patrolling

Learned counsel for the petitioner submits that there is no recovery from the petitioner. It is a case of false implication. Earlier in the similar manner, the petitioner was implicated in another case. He is suffering incarceration in connection with this case since 4/8/2022.

The learned APP for the State has opposed the prayer for



bail.

Considering the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Addl. Sessions Judge-II- cum- spl. Judge Excise Act, Madhubani, in connection with GR No. 1339 of 2022 arising out of Harlakhi PS Case No. 236 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner. (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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