

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66727 of 2023

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

Bhushan Sahani, Son of Ram Swarth Sahni @ Bachcha Sahani R/V- Gunai
Basahi, P.S.- Tajpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Tajpur P.S. Case No. 425/2023 lodged on 31.07.2023 under
Section 30(a), 41(i) (ii) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per the prosecution case, total recovery of
785.665 litres of foreign illicit liquor is the subject matter of the
present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The alleged
recovery has not been made from the possession of the
petitioner rather it has been made near a bridge which is a public
place. The petitioner has not been arrested from the place of



seizure, rather his name has been disclosed by co-accused, Ashok Sahni, who was apprehended from the place of occurrence. The petitioner is in custody since 31.07.2023 and is accused in one more criminal case, in which he is on bail.

4. Learned counsel for the State opposes the prayer for bail.

5. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Tajpur P.S. Case No. 425/2023 in connection with learned Special Judge Excise Court-2, Samastipur, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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 bonds by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

(Dr. Anshuman, J)

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