

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64764 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- BASOPATTI District- Madhubani

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Pramod Sahni, Sex-M, Aged about 31 years, Son of Ramashish Sahni @ Shish Sahni Resident of village - Madhiya (Kamalawari), P.S.- Basopatti, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-02-2023 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 Basopatti P.S. Case No. 107/2022, G.R. No. 767/2022 registered for the offence punishable under Section 272, 273, 34 of the Indian Penal Code (for brevity 'I.P.C.') and 30(a) of Bihar Prohibition and Excise Act.

From seizure memo, there is recovery of total 71.500 litres (seventy one litres & five hundred millilitres) of illicit liquor in different forms.

Learned counsel for the petitioner submits that from the seizure memo itself, it is obvious that recovery is from an open place, accessible to all for which the petitioner cannot be considered liable. His implication in this case is based only on his criminal antecedents and suspicion. It is submitted that charge sheet has been submitted. He is stated to be in custody since 19.09.2022.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, period of custody 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 2nd Addl. Sessions Judge-cum-Special Judge, Excise Act, Madhubani, in connection with Basopatti P.S. Case No. 107/2022, G.R. No. 767/2022, 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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