

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72271 of 2022

Arising Out of PS. Case No.-416 Year-2022 Thana- RIGA District- Sitamarhi

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JAI SHANKAR KUMAR @ JAI SHANKAR KUMAR SAHNI @
JAYSHANKAR KUMAR SAHANI Son of Late Mangar Sahni Resident of
Village- Shiv Nagar, Ward No.-7, P.O.- Harnahiya, P.S.- Riga, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Section 414 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

Recovery is of total 745.5 litres of illicit liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
that altogether 745.5 litres of illicit liquor has been recovered
from the different vehicles including the motorcycle of the
petitioner. He further submits that 36 litres of illicit Nepali



liquor has been recovered from the motorcycle of the petitioner. He further submits that there is non-compliance of Section 100 of the Cr.P.C. He further submits that similarly situated, co-accused, namely, Dilip Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 10.02.2023 passed in Cr. Misc. No. 68211 of 2022 and other co-accused, namely, Shivam Kumar has been granted bail vide order dated 25.02.2023 passed in Cr. Misc. No. 72720 of 2022 respectively. He further submits that the police after investigation submitted the chargesheet against the petitioner and the petitioner is in custody since 26.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Court below where the case is pending in connection with Riga P.S. Case No. 416 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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