

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73613 of 2022

Arising Out of PS. Case No.-132 Year-2022 Thana- KATHAIYA District- Muzaffarpur

Raju Sahni S/o Bijan Sahni, R/o Village Pagahia, P.S. Kathaiya, District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Adv.

For the Opposite Party/s : Mr. Sangeeta Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-03-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Kathaiya P.S. Case No. 132 of 2022, lodged under Sections 30(a)/41(1) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the total recovery of 177.75 liter of wine has been made from the vehicle and total three persons were apprehended from the place of occurrence.

Learned counsel for the petitioner submits that petitioner has not been apprehended from the place of occurrence, rather his name has come on the basis of confessional statement. He further submits that in the light of

Tofan Singh Vs. State of Tamil Nadu (2021) 4 SCC 1, the confessional statement may not be treated as conclusive piece of evidence. Learned counsel for the petitioner further submits that petitioner is in custody since 15.09.2022 and one criminal case is pending against the petitioner, in which, he is on bail.

Learned counsel for the State opposes the prayer for bail.

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 learned Exclusive Spl. Judge (Excise), Court No. II, Muzaffarpur in connection with Kathaiya P.S. Case No. 132 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the

petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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