

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74228 of 2022

Arising Out of PS. Case No.-318 Year-2022 Thana- JANDAHA District- Vaishali

Indrajeet Sahni @ Indrajeet Kr. Sahani @ Chukiya Son Of Shankar Sahni
Present Vill- Chausima, R/O Gopinath, Mukundpur, P.S.- Jandaha, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 10-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with Jandaha P.S. Case No. 318 of 2022 dated 26.08.2022 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 30(a), 36 and 41(i) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution, the informant along with other police personnel acting upon a secret information, apprehended



this petitioner and other co-accused person while others managed to escape. It is further alleged that total of 1022.55 litres of foreign liquor was recovered from the house of this petitioner and seized vehicles.

The main submissions advanced by petitioner's counsel are that the petitioner has fair and clean antecedent and has been languishing in jail since 27.10.2022, while searching and seizing the alleged liquor, the provisions of section 100 of Cr.P.C. was not followed by the raiding party and the alleged liquor was not recovered from the conscious possession of this petitioner and one co-accused person namely Shankar Sahni @ Shankar Sahani carrying almost similar nature of allegation has been granted bail by a co-ordinate Bench of this Court vide order dated 25.03.2023 passed in Cr. Misc. No. 706/2023. Further submission is that in view of the direction given by this Court, the learned trial Court has sent the status report of the petitioner's trial, which shows that the petitioner's trial is at initial stage and the charge was framed upon him on 31.03.2023 and the prosecution witnesses are to be examined.

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

Though, the instant matter relates to recovery of



1022.55 litres of Foreign liquor from the house of this petitioner as well as vehicles parked outside the petitioner's house but considering the petitioner's stage of trial which appears to be at initial stage as per the report of the trial Court and the main witnesses of the seizure are official persons and the petitioner has fair and clean antecedent and one co-accused person named-above is on bail, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Jandaha P.S. Case No. 318 of 2022 on 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 below and shall remain physically present as directed by the Court below 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) One of the bailors shall be a close relative of the
petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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