

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4391 of 2023

Arising Out of PS. Case No.-1423 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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1. AJEET SAHNI S/O KISHOR SAHNI Resident of village- Chaturee Punash, P.S.- Ahiyapur, District- Muzaffarpur.
 2. WAKIL KUMAR S/O KISHOR SAHNI Resident of village- Chaturee Punash, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Bhagat, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 26.11.2022 in connection with Excise P.S. Case No. 1423 of 2022, F.I.R. dated 25.11.2022 for the offences under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of total 10 liters of country made liquor from the possession of the petitioner.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioners rather the recovery of the been made from the place of occurrence and petitioners have no concern at all with the alleged recovery of illicit liquor or the place of occurrence. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 26.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, petitioners have clean antecedent and nothing has been recovered from the conscious possession or the house of the petitioner, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise), Court No.II, Muzaffarpur in connection with Excise P.S. Case No. 1423 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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