

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48198 of 2024**

Arising Out of PS. Case No.-410 Year-2021 Thana- TARAIIYA District- Saran

Adarsh Kumar Sahni S/O Santosh Sahni, R/O Village- Shahnabajpur, P.S-
Taraiya, Distt.- Saran.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Hemant Kumar, Advocate
For the Opposite Party : Ms. Asha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 12-07-2024 Heard Mr. Hemant Kumar, the learned counsel for

the petitioner and Ms. Asha Kumari, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

11.12.2023, in connection with Taraiya P.S. Case No. 410 of

2021, FIR dated 14.12.2021, registered for the offence

punishable under Section 30(a) of the Bihar Prohibition and

Excise Act.

3. According to the prosecution case, 140 litres of

spirit has been recovered.

4. Learned counsel for the petitioner submits that

petitioner has falsely been implicated in the present case. He

further submits that from the perusal of the FIR and seizure list,

it appears that 140 litres of spirit has been recovered near the

bank of the Khadra river from the east of Primary School,



Dewariya, and name of the petitioner transpired on the basis of the secret information. He further submits that the co-accused person namely, Arjun Singh @ Arjun Singh Singh has been granted bail by this Court vide order dated 23.08.2022, passed in Cr. Misc. No. 28188 of 2022 and another co-accused person namely, Kundan Kumar Gupta @ Kundan Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.10.2022 passed in Cr. Misc. No. 42022 of 2022. He further submits that the police after investigation has submitted against the petitioner and the petitioner is in judicial custody since 11.12.2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, however, he fairly admits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Court, Saran at Chapra, in connection with **Taraiya P.S. Case No. 410 of 2021**, subject to the following



conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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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