

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50686 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- MUSRIGHRARI District- Samastipur

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Vinod Sahni @ Binod Sahni S/O Madan Sahni R/O Village- Varuna
Rashalpur, P.S- Sarai Ranjan, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Musrigharari P.S. Case No. 38 of 2024, instituted for the offences punishable under Sections 419, 420 of the Indian Penal Code, Sections 30(a), 33, 36 and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 600 liters spirit was recovered from a car and from the house of co-accused person.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of spirit. Learned counsel for the petitioner also submits that the petitioner was not arrested on spot. Name of the petitioner has transpired on the basis of confessional statement of co-accused Krishna Kumar Sahani which has no evidentiary value. The petitioner has got no concern with the vehicle in question. The petitioner is in custody since 25.05.2024 and has got three criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by this Court vide order dated 23.04.2024 passed in Cr. Misc. No. 31001 of 2024 and order dated 02.05.2024 passed in Cr. Misc. No. 34613 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Musrigharari P.S. Case No. 38 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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