

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57461 of 2024

Arising Out of PS. Case No.-141 Year-2019 Thana- SARAI RANJAN District- Samastipur

Vinod Sahni son of Shri Madan Sahni Village- Varuna Rashalpur Ps- Sarai
Ranjan Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Shashank Shekhar, learned Advocate for
the petitioner and the learned APP for the State.

2. The petitioner seeks grant of regular bail, who is in custody in connection with Sarairanjan P.S. Case No.141 of 2019 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016..

3. The police on a secret information intercepted an Alto car and apprehended one Santosh Sahni, who was driving the car. On search total 43.2 liters Indian made foreign liquor was recovered. The name of the petitioner has been implicated in this case on account of he being the owner of the vehicle.

4. Learned Advocate for the petitioner contended that save and accept, the petitioner being the owner of the vehicle in



question, there is no material suggesting the complicity of the petitioner in present crime. Only on account of his past criminal antecedent out of which two of the criminal cases of identical nature his name has been implicated in this case. It is also the contention of the petitioner that on the alleged date of occurrence the vehicle was taken by one Santosh Sahni, who is known to the petitioner, however, he was not knowing the fact that the vehicle has been used for any illegal purpose. It is next contended that there are various other infirmities in search and seizure and prima facie it appears that the seizure list has not been prepared at the place of occurrence which contains the P.S. Case No. written from different pen. It is lastly contended that be that as it may, the petitioner is in custody since 27.06.2024. The petitioner undertakes that he will fully co-operate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying three criminal antecedents over his credit and as such he appears to be habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case only on account



of he being owner of the vehicle apart from his criminal antecedent. There is infirmity in the search and seizure coupled with the fact that the investigation of the crime is complete, let the petitioner, named above, 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 learned Exclusive Special Judge, Excise 1st, Samastipur in connection with Sarairanjan P.S. Case No.141 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below 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



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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