

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66062 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- BASOPATTI District- Madhubani

Sanjeet Sahni, Son of Ramphal Sahni, Resident of village- Bundelkhand, P.S.-
Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard Mr. Shailendra Kumar Jha, learned Advocate
for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Basopatti P.S. Case No. 130 of 2024
registered for the offences punishable under Sections 274, 275,
317(5), 3(5) of the Indian Penal Code and Section 30 (a) of the
Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of trafficking
of illicit liquor. The police in course of vehicle checking,
intercepted two motorcycles, where from 63 litres and 90 litres
of *Nepali* country made liquor was recovered, respectively.

4. Learned Advocate for the petitioner contended that



the petitioner has no concern with the motorcycles, in question, nor with the illicit liquor. However, only on account of his past criminal antecedent of identical nature, his name has been implicated in this case. It is next contended that there is various other infirmities in the search and seizure. The petitioner has been incarcerated since 16.07.2024, moreover the investigation of the crime is complete and charge-sheet has been submitted. It is also the contention of the petitioner that one of the co-accused was also apprehended with the petitioner and from whose possession 63 litres of *Nepali* country made liquor was recovered, who has been granted the privilege of bail by this Court in Cr. Misc. No. 60199 of 2024 vide order dated 31.08.2024. The case of the petitioner is based on parity.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is carrying five criminal antecedent of identical nature over his head and his involvement in the crime cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fact that co-accused person, having identical allegation, has been allowed the privilege of



bail, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Basopatti P.S. Case No. 130 of 2024, 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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