

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70322 of 2024

Arising Out of PS. Case No.-392 Year-2024 Thana- MALSALAMI District- Patna

Anil Sahni Son of Vijay Sahni Resident of Village / Mohalla - Nuruddinganj,
Ghat Kinare, P.S. - Malsalami, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed, during course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Malsalami P.S. Case No. 392/2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

4. As per prosecution case, there is alleged recovery of 150 liter Mahua liquor from the sack of the petitioner. The petitioner is said to have apprehended on the spot while he was escaping after throwing the said sack.



5. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. Nothing has been recovered from the conscious possession of the petitioner and he is not in any way connected with the alleged occurrence. Except suspicion, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. The petitioner is languishing in custody since 22.08.2024 and bears no criminal antecedent. He further submits that the petitioner is not concerned with the alleged seized liquor and there is no independent witness of the alleged occurrence. He further submits that the seizure list has not been prepared as per the law. In the light of the aforesaid submission, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 the learned Exclusive Special Judge, Excise Court, Patna City, Patna in connection with Malsalami P.S. Case No. 392/2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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