

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70560 of 2024

Arising Out of PS. Case No.-327 Year-2024 Thana- VAISHALI District- Vaishali

Birendra Sahni Son of Ram Nath Sahni Resident of village- Salempur P.s.-
Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 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 and also in para 12 of the

bail petition , during the 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 Vaishali

P.S. Case No. 327 of 2024 registered for the offences punishable

under Section 30(a) of Bihar Prohibition and Excise Act.

4. As per prosecution case, there is alleged recovery of

60 litre illicit liquor from the motorcycle in question and

petitioner apprehended on the spot.

5. Learned counsel for the petitioner submits that petitioner



is quite innocent and has committed no offence as alleged in the F.I.R. Petitioner is in custody since 23.08.2024 and bears criminal antecedent of four cases. He further submits petitioner has falsely been implicated in one case after another in a routine manner. Nothing has been recovered from the conscious possession of the petitioner. He further submits that petitioner is not the owner of the motorcycle in question. He is merely a passer-by at the place of occurrence and police have forcibly obtained the thumb impression of the petitioner on blank paper and the same has been converted by them into seizure list. Learned counsel further submits that seizure list has not been prepared as per law.

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

7. Considering the facts and circumstances of the case, period of custody, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 02-cum- Additional District & Sessions Judge, Vaishali at Hajipur in connection



with Vaishali P.S. Case No. 327 of 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)

vashudha/-

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