

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2544 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- KARPURIGRAM District- Samastipur

Brajesh Sahni @ Brijesh Kumar Son of Dilip Sahni @ Dilip Chaudhary
Resident of Village Shambhupatti PS Karpurigram Dist - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with P.S.
Karpurigram P.S. Case No. 47 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2022.

3. As per prosecution case, 1039.320 litre foreign
liquor was recovered from the maize field and local people
disclosed the name of petitioner and others who were not
apprehended on the spot.

4. Learned counsel for the petitioner submits that
the place from where the alleged recovery has been made, is an
open place which is accessible to all and he has falsely been
implicated in the present case merely on the basis of suspicion.



Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner has no concern the said maize field. Petitioner is in custody since 04.11.2023 and bears criminal antecedent of one case. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R and he is not apprehended on the spot.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, 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 Excise Judge – I, Samastipur in connection with Karpurigram P.S. Case No. 47 of 2023, 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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