

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2387 of 2024

Arising Out of PS. Case No.-159 Year-2023 Thana- MAKER District- Saran

Raja Sahni son of Uma Sahni Resident of Vill-Baghakol, P.S.-Maker, Dist-Saran, Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Pratima Kumari, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, A.P.P.

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
Maker P.S. Case No. 159 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

3. As per prosecution case, 105 litre illicit liquor
was recovered from near the pond of co-accused Sindhu Rai.
Apprehended co-accused Sindhu Rai and Kamlesh Kumar
disclosed the name of the petitioner who succeeded in fleeing
away from the place of occurrence.

4. Learned counsel for the petitioner submits that
except disclosure of the apprehended co-accused, there is
nothing on record to demonstrate the complicity of the



petitioner with the alleged occurrence. Petitioner is in custody since 30.09.2023 and bears criminal antecedent of three cases in which he is on bail. Petitioner is not apprehended on the spot. He is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Co-accused Sindhu Rai and Kamlesh Kumar have already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 65167 of 2023 and the case of present petitioner stands on better footing as 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, co-accused have already been granted bail, 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 Special Judge Excise Court, Saran at Chapra in connection with Maker P.S. Case No.



159 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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