

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89539 of 2024

Arising Out of PS. Case No.-493 Year-2024 Thana- MUFFASIL District- West Champaran

Sanoj Sahani @ Saroj Sahani S/o- Sahdeo Sahani Village- Nawka tola Ps-
Jagdishpur District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner seeks bail in connection with a case registered for the offence punishable u/s 30 (a) of the Bihar Prohibition and Excise Act.

3. Altogether 840 litres of spirit has been recovered from the seized Scorpio, which was overturned. The driver of the said vehicle managed to escape taking advantage of the darkness.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged has even taken place. He has falsely been implicated in this case due to ulterior motive. No incriminating article has been recovered from the conscious



physical possession of the petitioner or from his house. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. He is not named in the FIR. He was not apprehended on the spot. The seized vehicle does not belong to the petitioner. He has been made accused in the present case merely on the basis of his criminal antecedents. Learned counsel for the petitioner has filed a supplementary affidavit in the present case stating therein that the mother of the petitioner died on 05.01.2025 and the “Shradh Karm” has to be performed between 16th to 18th January, 2025 and the petitioner is required to perform the necessary religious rituals as per his religious beliefs. He further submits that in view of the order dated 06.01.2025 (Annexure-P3 to the supplementary affidavit), the petitioner participated in funeral/cremation of his mother. The Mukhiya concerned has also issued a certificate with regard to death of the petitioner’s mother. Learned counsel further submits that the petitioner has ten criminal antecedents and he has been languishing in custody since 29.11.2024.

5. Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in the account of Lawyers’ Association



Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Considering the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Bettiah Muffasil P.S. Case No. 493 of 2024, subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the



aforesaid amount in the account of Lawyers’ Association
Welfare Benevolent Fund.

(Anjani Kumar Sharan, J)

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