

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.10716 of 2017**

Arising Out of PS.Case No. -495 Year- 2016 Thana -TURKAULIYA District-  
EASTCHAMPARAN(MOTIHARI)

=====

Dhiraj Sahani @ Dhiraj Kumar Sahani, son of Late Mathura Sahni,  
Resident of Village- Belwanwa, P.S.- Motihari (Town), Distt- East  
Champaran.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      28-03-2017                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
12.10.2016 in connection with Turkaulia (Banjaria) P.S. Case No.  
495/16 registered for the offence punishable under Sections 272,  
273 of the Indian Penal Code and Section 36(B) of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution case is that the police on patrolling  
duty apprehended a tempo. Petitioner alongwith another co-  
accused Bittu Mian tried to flee away, but were apprehended and  
on search from the tempo 36 litres of Nepali sophie wine was  
recovered.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and nothing has been recovered from his conscious possession and as two persons were apprehended and nothing was found from the conscious possession of the petitioner, the seized liquor cannot be attributed to him. It is further submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkaulia (Banjaria) P.S. Case No. 495/16.

**(Nilu Agrawal, J)**

Rajesh/-

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