

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6939 of 2017

Arising Out of PS.Case No. -296 Year- 2016 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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Kapal Sahani, son of Late Lakhi Sahani, resident of Village- Chainpur,
Police Station- Madhuban, District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 17-02-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Trial
No. 1654 of 2016, arising out of Madhuban P.S.Case No. 296 of
2016 registered for the offences punishable under Sections 30, 36
and 38 of the Bihar Prohibition and Excise Act, 2016.

Submission advanced on behalf of the petitioner is
that though there is allegation of recovery of 15 litres of country
made liquor but from the possession of petitioner only five litres
has been recovered, which is apparent from the FIR itself and
petitioner is in custody for more than two months.

Heard learned APP also.

Heard both sides. Considering the fact that there is
recovery of five litres of country made liquor from the possession
of the petitioner and he is in custody for more than two months, let



the petitioner, above named, be released 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 Sri Prahlad Kumar, the Judicial Magistrate 1st Class, Sadar, Motihari, in connection with Trial No. 1654 of 2016, arising out of Madhuban P.S.Case No. 296 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move the cancellation of his bail.

(Vinod Kumar Sinha, J)

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