

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50390 of 2017

Arising Out of PS. Case No.-282 Year-2016 Thana- SUGAULI District- East Champaran

1. Chanda Sahani , son of Kuja Sahani
2. Rajeshwar Sahani, son of Sukhal Sahani
both residents of village- Gorigawa, P.S. -Sugauli, District -East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Smt. Rashmi Jha

For the Opposite Party/s : Sri Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 18-10-2017 Heard Smt. Rashmi Jha, learned counsel for the petitioners
and Sri Gauri Shankar Gupta, learned Additional Public Prosecutor.

Two petitioners, apprehending their arrest in Sugauli P.S.
Case No. 282 of 2016 registered for the offence under section
30(a), 30 (d) of the Bihar Prohibition and Excise Act, 2016 have
prayed for grant of bail in the event of their arrest or surrender.

At the very outset, learned counsel for the petitioners has
drawn my attention to the statement made in paragraph no. 3 of the
petition to show that petitioners are having clean antecedent. Besides
this, by way of referring to seizure list i.e. part of the F.I.R. at page
no. 10 it has been argued that seizure list does not indicate recovery
of liquor, however in the F.I.R. it was shown as if from the place of
occurrence about 200 liters of liquor was shown recovered and it
was shown destroyed also. It has also been argued that it is a peculiar



case in which the police in the F.I.R. is mentioning that it has got specific information that petitioners and others, who were named in the F.I.R. were indulged in preparing liquor even then, after search no one was apprehended and from the place of occurrence save and except drums, iron pipes etc. nothing was recovered, which is evident from the seizure list.

Considering the facts and circumstances and clean antecedent of both the petitioners, in the event of their arrest or surrender within a period of six weeks from today, let both the petitioners Chanda Sahani and Rajeshwar Sahani be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise at Motihari, East Champaran / concerned court in connection with Sugauli P.S. Case No. 282 of 2016 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure , 1973 .

(Rakesh Kumar, J)

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