

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14309 of 2018

Arising Out of PS.Case No. -13 Year- 2018 Thana -HARLAKHI District- MADHUBANI

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Bishwanath Sahani S/o Kari Sahani @ Kari Sahni, R/o Village- Khauna,
P.S.- Basopatti, District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Adv.
Mr. Jitendra Kumar Bharti, Adv.
Mr. Nitu Kumari-7, Adv.

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
19.01.2018 in connection with Harlakhi P.S. Case No. 13 of 2018,
G.R. No.85 of 2018 for offences punishable under Sections 272,
273 of the Indian Penal Code and 30 (a) Bihar Wine Prohibition
and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during course of vehicle checking, the petitioner
was found driving a motorcycle and on seeing the police he tried
to flee away. From a Jute bag tied with the motorcycle, 27 liters of
Nepali Saufi wine was recovered. Accordingly, a seizure list was



prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated. He submits that the place where the illicit liquor was seized is different in the seizure list with that as stated in the F.I.R. which falsifies the prosecution story. He undertakes to cooperate in the investigation and not to tamper with the evidence or the witnesses in any manner whatsoever.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge Excise Act, Madhubani in connection with Harlakhi P.S. Case No. 13 of 2018, G.R. No.85 of 2018, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his



relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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