

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12628 of 2019

Arising Out of PS. Case No.-406 Year-2018 Thana- BAGHA District- West Champaran

CHHOTELAL SAHANI @ BHAGAT, aged about 60 years, Male, S/o
Somari Sahani, Resident of village-Nitish Nagar, P.S-Laukariya, district West
Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Lalan Kumar Verma, Adv.
For the Opposite Party : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
30.11.2018 in connection with Bagaha (Patkhauli) P.S. Case No.
406 of 2018 for the offence alleged under Section 30(A) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that some persons are
carrying illicit liquor in huge quantity near the ghat, police
conducted a raid and while 5-6 persons managed to flee away,
the bush was searched and from it 155 liters of country made
wine was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, was not apprehended on the spot,
but, named by the local people and has been falsely implicated



in the aforesaid case. He, further, submits that nothing has been recovered from his conscious possession and some of the co-accused, on similar allegations, have been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 67095 of 2018, dated 27.11.2018, and Cr. Misc. No. 67428 of 2018, dated 28.11.2018.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case of similar nature is pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bagaha (Patkhauli) P.S. Case No. 406 of 2018 to the satisfaction of the learned Special Judge, Excise, West Champaran at Bettiah, subject to the following conditions :

(i) 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.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) 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)

Shamshad/-

U		T	
---	--	---	--

