

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12401 of 2022

Arising Out of PS. Case No.-555 Year-2019 Thana- KHAGARIA District- Khagaria

CHANDAN KUMAR SAHANI, Son of Rajesh Sahni @ Rajo Sahni Resident
of Village- Bhagat Tola, Ward No. 12, P.S. and District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Khagaria P.S. Case No. 555 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the allegation made in the F.I.R., 135 litres of country made liquor was recovered lying below the Neem tree which is located in front of the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been



implicated in this case. He further submits that alleged recovery has been made from the government land with which petitioner has no concern. Nothing has been recovered from physical or conscious possession of the petitioner or from the house of the petitioner. Petitioner is in custody since 11.01.2022. He has been implicated in the present case as two cases are pending against the petitioner, however those cases are registered under different sections of the Indian Penal Code and not relates to the Excise matter.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made in the F.I.R., it appears that the alleged recovery has been made from government land located near the Neem tree which is in front of the house of the petitioner, nothing has been recovered from conscious possession of the petitioner and the petitioner is in custody since 11.01.2022, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.100,000/- (Rupees one lac) with two sureties of the like amount each to the satisfaction of the learned Special Judge-I, Khagaria in connection with Khagaria P.S. Case No. 555 of 2019, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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