

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13196 of 2022

Arising Out of PS. Case No.-285 Year-2021 Thana- TARIYANI CHOWK District- Sheohar

Rajesh Sahani Sonof Kishori Sahani Resident of Village - Narwara, P.s.-
Tariyani, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nasim Yahya, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Tariyani
P.S. Case No. 285 of 2021 registered for the offence under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.12.2021.

The allegation against the petitioner is to involve in
illegal trading of illicit country made liquor and while doing so,
found in possession of 2 liters of country made Chulai liquor.

Learned counsel appearing on behalf of the petitioner
submitted that as per the seizure list, the said country made
liquor is seized from open place and not from the premises of



the petitioner. It has further been submitted that petitioner is involve in two cases of similar nature in which he is on bail. While concluding the argument, it has further been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery has not been made from the premises of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery of alleged illicit country made liquor has not been made from the premises of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Tariyani P.S. Case No. 285 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Sheohar, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the



Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Kishori Sahani, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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