

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18705 of 2022

Arising Out of PS. Case No.-116 Year-2020 Thana- PIPRAHI District- Sheohar

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BISWANATH SAHANI @ VISWANATH SAHNI Son of Baleshwar Sahani
Resident of Village - Dewapur, P.s.- Pachpakri (Patahi), Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Piprahi

P.S. Case No. 116 of 2020 registered for the offences punishable

under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery

of 478.2 litres Nepali liquor and the accusation against the

petitioner is that he was hiding the sack of liquor in the bush

along with others.

Learned counsel for the petitioner submits that

petitioner is in custody since 19.01.2022. Petitioner bears



criminal antecedent of five cases out of which two cases are of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner was not apprehended on spot and only on the basis of secret information the petitioner has been implicated in the present case and has been remanded from Dhaka (Pachpakri) P.S. Case No. 326 of 2020.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees 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, Sheohar in connection with Piprahi P.S. Case No. 116 of 2020, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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