

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38622 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Bacha Lal Sahni @ Bachcha Sahani Son Of Late Mushahar Sahani R/O
Village- Mathurapur, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Excise P.S. Case No. 223 of 2022 for the
offences punishable under Sections 30(a), 38,41(1) of the
Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, the police on a secret
information conducted a raid at Chawar of Mathurapur and
altogether 600 liters of Hooch was recovered from different



vehicles found there. It is further alleged that the petitioner and one another co-accused person, were apprehended at the spot along with vehicles.

Learned counsel for the petitioner submits that petitioner has neither any concern with the vehicle nor with the alleged illicit liquor. However, he being a passerby on seeing the police personnel tried to flee away thereupon on suspicion he was apprehended. He next submits that the petitioner having fair antecedent is in custody since 28.03.2022 and the investigation of the crime is already completed and the charge sheet has been submitted and there is no chance of absconding of the petitioner or tempering with the evidence.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submission of the parties and considering the fact that petitioner has neither any concern with the vehicle nor with the alleged illicit liquor and he is in custody since 28.03.2022 having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II East Champaran, Motihari in connection with Excise P.S.Case No. 223 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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