

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39110 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- PIPRAHI District- Sheohar

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Bhikhari Sahni @ Bhikhar Sahni, Son of Late Devaki Sahni, Resident of
Village- Belwa Narkatiya, P.S.- Piprahi, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. M. K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Devendra Kumar, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Piprahi P.S. Case No. 134 of 2021 registered
for the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on
a secret information conducted raid and total 858 litres of illicit
liquor was recovered from a Bhusali, situated on the land of
Prabhu Sanhi.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered, however, the name of the petitioner has been disclosed by the so-called local persons on the basis of suspicion. He also submits that only on account of past two criminal antecedent of the petitioner of similar nature, his name has been implicated in this case. He next submits that the alleged recovery has been made from the land of Prabhu Sahni and the petitioner has neither any concern with the place of occurrence nor with the alleged recovered wine. He further submits that there is no compliance of Section 100 of the Cr.P.C and no case under Section 30(a) of the Bihar Prohibition and Excise Act is made out against the petitioner. He lastly submits that the investigation of the crime is already completed and charge-sheet has been submitted, though the petitioner is in custody since 23.02.2022.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the land of Prabhu Sahni and so far the petitioner is concerned, he was neither arrested at the spot nor any incriminating material has been recovered and save and



except the disclosure made by the local person, there is no material against him, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Sheohar in connection with Piprahi P.S. Case No. 134 of 2021, 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 physically 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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