

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40583 of 2022**

Arising Out of PS. Case No.-416 Year-2021 Thana- NAUTAN District- West Champaran

Makodar Sahani Son Of Late Ramdeo Sahani Resident Of Village - Dakshin  
Telhua, Police Station- Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      23-09-2022                      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 Nautan P.S. Case No. 416 of 2021 for the  
offences punishable under Sections 30(a), of the Bihar  
Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the  
police on an information about the death of Bachcha Yadav  
due to consuming noxious liquor raided the place of  
occurrence and on interrogation from the family members



of Bachcha yadav, the police came to know that co-accused Shobha Devi, Sikandar Sahani and Goda Devi had provided the noxious liquor to the deceased. On the aforesaid information the police raided the house of various person including the house of the petitioner and on search total 500 M.L illicit liquor and 5 empty pouches was recovered.

Learned counsel for the petitioner submits that in fact nothing has been recovered from persons and possession of the petitioner rather the said recovery has been made from other co-accused persons but only because of the one past criminal antecedent, his name has been implicated in this case. He next submits that there is no compliance of section 100(4) of the Criminal Procedure apart from defiance of Section 81 and 82 of the Bihar Prohibition & Excise Act. Furthermore the petitioner is in custody since 10.11.2021, though the investigation of the crime is already been completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has found involved in one another criminal case.



Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. Moreover, after completion of investigation charge sheet has been submitted and the petitioner is in custody since 10.11.2021 , 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, Bettiah, West Champaran in connection with Nautan P.S.Case No. 416 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 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

**(Harish Kumar, J)**

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