

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46978 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- DHAKA District- East Champaran

Mukesh Sahani, Son of Imrit Sahani, Resident of Village - Bada Pantanki,
P.s.- Bairganiya, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Dhaka (Pachpakadi) P.S. Case No. 247 of 2022
registered for the alleged offences under Section 414 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, recovery of total 67.5 litres
of Nepali liquor was made from a sack kept on a motorcycle
being driven by the petitioner who was apprehended from the
spot.

The learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner is made accused in this case merely on the suspicion as he was crossing the road when the actual offender escaped after leaving behind his motorcycle. The petitioner has nothing to do with the seized motorcycle and the recovered liquor. The petitioner is in custody since 05.05.2022 and charge-sheet has been submitted and investigation is complete.

Learned APP opposes the prayer for bail submitting that the petitioner has criminal antecedent.

Having regard to the submissions made hereinabove and considering the submission of charge sheet and the period of the custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran, Motihari, in connection with Dhaka (Pachpakari) P.S. Case No. 247 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

- (i) The bail bond of the petitioner will be accepted



only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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