

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58297 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- PIPRAKOTHI District- East Champaran

Mohan Sahni, Son of Late Amin Sahani, Resident of Village- Hathiyahi
Tikuliya, P.S.- Pipra Kothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.Iii, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Pipra Kothi P.S. Case No. 62 of 2021 registered
for the alleged offences under Sections 420, 414, 272 and
273/34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, police received information
about large scale manufacturing of illicit liquor and its sell and
purchase at village Hathiyahi. A raid was conducted at the house
of a number of persons including the petitioner. From the house
of the petitioner recovery of 35 litres of spirit along with 700



litres of semi prepared liquor was made. This semi prepared liquor was destroyed by the police.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. Whatsoever recovery has been shown it is planted one. The petitioner has no concern either with the house from where the recovery has been made or allegedly seized illicit articles. The petitioner is in custody since 26.05.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in a number of cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet against him, 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 in connection with Pipra Kothi P.S. Case No. 62 of 2021, subject to the conditions mentioned in Section



437(3) of the Code of Criminal Procedure and also the following conditions :

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

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

(iii) 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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