

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60515 of 2022

Arising Out of PS. Case No.-763 Year-2022 Thana- TURKAULIYA District- East
Champaran

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Shambhu Sahani S/O Late Bhadai Sahani Resident of Village- Chailaha Kothi
Bin Toli, P.S.- Banjaraiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), if any, 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 Turkauliya(Banjariya) P.S. Case No. 763 of
2022 registered for the alleged offences under Sections 272, 273
and 34 of the Indian Penal Code Sections 30(a), 32, 34, 36 and
41(i) of Bihar Prohibition and Excise Act.

As per prosecution case, police received secret
information about manufacturing of illicit country made liquor
on the banks of river Dhanauti. When the raid was conducted
the persons manufacturing the illicit liquor fled away from the



spot and recovery of 40 litres of country made *chulai* liquor along with three gas cylinders were made. The petitioner was named along with 13 other co-accused persons for being involved in the manufacturing of illicit liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is in custody since 18.08.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner along with the submission of charge-sheet, the petitioner above named is directed to 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 Exclusive Special Excise Court No.1, Motihari at East Champaran in connection with



Turkauliya(Banjariya) P.S. Case No. 763 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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