

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1982 of 2023

Arising Out of PS. Case No.-461 Year-2022 Thana- SUGAULI District- East Champaran

1. HARENDRA SAHNI Son of Late Brija Shani R/v- Mehwa, P.S.- Sugauli, District- East Champaran
2. BHOLA SAHNI Son of Late Ramadhar Sahani R/v- Mehwa, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Learned counsel for the petitioners submit that during the pendency of the petition, the petitioner no.1 Harendra Sahni has been arrested and as such the petition against him has become infructuous.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner no.2 is apprehending arrest in connection with Sugauli P.S. Case No.461 of 2022 under sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecutions story, the police during patrolling, raided the place of occurrence and recovered 50 litres



of country made liquor from a motorcycle.

Accordingly, the FIR.

Learned counsel for the petitioner no.2 submits that neither the liquor has been recovered from his conscious possession nor the motorcycle belong to him and only due to village enmity, he has been dragged in the case. He is ready to abide by all the terms and conditions, if granted relief.

The learned APP opposes the prayer stating that he has criminal antecedent.

Considering the aforesaid facts as also the petitioner will be facing the trial, this Court is inclined to grant him the privilege of bail.

Let the petitioner no.2 be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. I, East Champaran, in connection with Sugauli P.S. Case No.461 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall co-operate in the investigation and make themselves available to the police as and when required;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

