

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5431 of 2023**

Arising Out of PS. Case No.-107 Year-2022 Thana- BELSAND District- Sitamarhi

Pappu Sahani Son Of Guletan Sahni R/O Village- Belsand Ward No.5, P.S.-
Belsnad, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Archana Sinha @ Archana Shahi, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
03.09.2022, in connection with Belsand P.S. Case No. 107 of 2022,
F.I.R. dated 30.08.2022 registered for the offences punishable
under Section 30(a) of the Bihar Excise Act 2018.

Recovery is of 210.345 litres of foreign liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R. as
well as seizure list that nothing has been recovered from the
conscious possession of the petitioner rather recovery has been
made from the Scorpio in question and the petitioner has no
concern at all with the alleged recovery of illicit liquor. He further



submits that the name of the petitioner has been transpired on the basis of the disclosure made by the villagers. He further submits that similarly situated co-accused person Ajay Kumar @ Ajay Kumar Srivastava has been granted bail by a Coordinate Bench of this Court vide order dated 24.12.2022 passed in Cr. Misc. No. 68407 of 2022, another co-accused person namely Manoj Sah has been granted bail by a Coordinate Bench of this Court vide order dated 20.03.2023 passed in Cr. Misc. No. 2976 of 2023, another co-accused person namely Dinesh Rai has been granted bail by a Coordinate Bench of this Court vide order dated 04.04.2023 passed in Cr. Misc. No. 3684 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 03.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner and he has no concern at all with the alleged recovery of illicit liquor, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Excise Court-II, Sitamarhi in connection with Belsand P.S. Case No. 107 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation 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.

(Rajesh Kumar Verma, J)

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