

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6396 of 2023

Arising Out of PS. Case No.-578 Year-2022 Thana- KESARIA District- East Champaran

Pawan Sahani @ Pawan Sahni S/O Sheonarayan Sahni @ Shiv Sahni R/v-
Praduman Chapra, P.S.- Kesaria, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 29-04-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Kesariya P.S. Case No. 578 of 2022 dated 24.11.2022 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 32 and 41(i) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by petitioner's counsel are that the petitioner has been made accused in this case mainly on the basis of his position found near the place of occurrence and as per the allegation, only two litres of country made liquor is stated to have been recovered from the petitioner's motorcycle but the petitioner had no concern with



the seized country made liquor, which was found at the place of occurrence in a gallon and in actual, the petitioner was bonafidely passing from the place of occurrence and in the present matter, he has been languishing in jail since 25.11.2022 and he has fair and clean antecedent. Further submission is that one co-accused namely Bikarma Mukhiya has been granted bail by a co-ordinate Bench of this Court vide order dated 11.04.2023 passed in Cr. Misc. No. 6414/2023.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent and also the facts that several persons have been named in the FIR and petitioner's father is stated to be registered owner of the alleged motorcycle from which two litres of country made liquor was recovered and one similarly situated co-accused named above has been granted bail by a co-ordinate Bench of this Court, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the



satisfaction of the Court concerned in connection with
Kesariya P.S. Case No. 578 of 2022.

(Shailendra Singh, J)

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