

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12421 of 2023**

Arising Out of PS. Case No.-185 Year-2022 Thana- NOWKOTHI GARHPURA District-
Begusarai

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MAHATMA SAHNI @ DHANESH SAHNI Son of Narayan Sahni R/V-
Nowkothi, P.S- Nowkothi, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

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

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

4 13-07-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
16.12.2022 in connection with Nowkothi P.S.Case No.185 of
2022, F.I.R. dated 15.12.2022 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and
Excise Amendment Act, 2018 and Sections 25(1-b)a,26,35 of
Arms Act.

3. The case relates to recovery of altogether 31.280
liters of foreign liquor, one country made pistol and two live
cartridges from possession of the petitioner.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the



present case. Further submits that from bare perusal of the FIR as well as the seizure list that altogether 31.280 liters of foreign liquor and one country made pistol and two live cartridge were recovered from possession of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.12.2022.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-1, Begusarai in connection with Nowkothi P.S.Case No.185 of 2022,with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) 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 antecedent, 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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