

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17938 of 2023

Arising Out of PS. Case No.-546 Year-2022 Thana- KESARIA District- East Champaran

Awadhesh Sahani, Son Of Jaylal Sahani R/V- Mahamad Pur, Dumma, P.S.-
Kesariya, District- East Champaran, Motihari

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 272,
273 of the I.P.C. and Sections 30(a),(b),(c), 32(i) of the Excise
Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 30 litres of liquor from the bank of Sanaula river
along with 1500 litres of semi-prepared liquor which was
destroyed at the spot.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that the alleged recovery is also from a place, which is
accessible to public at large and the petitioner came to be



implicated based on disclosure made by the local people, but then the F.I.R. does not disclose the name of the local people which creates doubt with regard to the veracity of the allegation as alleged in the F.I.R. when petitioner, admittedly, is a person with clean antecedent.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court-2, East Champaran at Motihari in connection with Kesariya P. S. Case No.546 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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