

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19830 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- KESARIA District- East Champaran

Harendra Sahani, S/o- Chandrakishor Sahani, resident of Village- Ramban
P.S.- Pakaridayal , District- East Champaran (Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-05-2023 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. 67 of 2023 dated 08.02.2023 registered
for the offences punishable under Sections 272, 273 of the
Indian Penal Code and Section 30 (a) of Bihar Prohibition and
Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to the
recovery of 113.400 litres of foreign liquor and 321 empty gas
cylinders and the same are stated to have been recovered from a
truck but the petitioner is neither owner nor driver of the said
truck and he has been made accused merely on suspicion and
the main culprits managed to escape on seeing the police party
and petitioner is stated to have been arrested on chase but he



was made scapegoat by the police party merely on suspicion and against the petitioner there is criminal antecedent of one case which was lodged under the offences of Indian Penal Code and in the present matter the investigation has been completed against the petitioner.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly petitioner's custody period and the completion of investigation against him and also the fact that as per the statement in paragraph no. 10 of the petition, petitioner is not stated to be owner or driver of the alleged truck from which the alleged wine was recovered, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Kesariya P.S. Case No. 67 of 2023 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.

(Shailendra Singh, J)

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