

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37115 of 2023**

Arising Out of PS. Case No.-160 Year-2022 Thana- PIPRAKOTHI District- East Champaran

MAHESH SAHNI @ MAHESH CHAUDHARI S/O LATE SITA RAM
SAHANI R/O Vill. Hathiyahi, PS. Piprakothi, Dist.East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr.Meena Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-06-2023

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Piprakothi P.S. Case No. 160 of 2022 registered for the offences punishable under Sections 272, 273, 353 of the I.P.C. and Sections 30(c), 45 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 1000 litres of pas from the mango orchard in question. Local people disclosed the name of present petitioner and others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 02.01.2023 and bears criminal antecedent of three cases of similar nature. He further submits that Petitioner is not apprehended on spot. Nothing has been



recovered from conscious possession of the petitioner nor the alleged mango orchard in question belongs to the petitioner. Petitioner is innocent and has committed no offence as alleged in the F.I.R. There is no compliance of Section 100 of the Cr.P.C.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Excise Court No.- 1, East Champaran, Motihari, in connection with Piprakothi P.S Case No. 160 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates



without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

Nitin/ Amit

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