

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37321 of 2023

Arising Out of PS. Case No.-127 Year-2020 Thana- PIPRAKOTHI District- East Champaran

DASAI SAHNI @ DASAI CHAUDHARY SON OF LATE AMIN SAHANI
@ AMIN CHAUDHARY VILLAGE HATHIYAH PS PIPRA KOTHI
DISTRICT EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raki Alam

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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 Pipra
Kothi P.S. Case No. 127 of 2020, Trial No. 622/2023 registered
for the offences punishable under Sections 272, 273, 34 of the
I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, on secret information raid
was conducted on the hut of petitioner and others and total 40
litre country made liquor was recovered from there. It is further
alleged that petitioner and others were not found on the place of
occurrence at the time of raid.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has



falsely been implicated in this case. Petitioner is in custody since 04.02.2023 and bears criminal antecedent of ten cases out of which eight cases are of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from conscious possession of the petitioner.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 Exclusive Special Excise Court No. 1, Civil Court, East Champaran at Motihari in connection with Pipra Kothi P.S. Case No. 127 of 2020, 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)

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