

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41808 of 2023

Arising Out of PS. Case No.-91 Year-2022 Thana- SUGAULI District- East Champaran

Raghav Sahani @ Radha Sahani Son Of Ramnawa Sahani Resident Of
Village- Godiganwa, Ps- Sugauli, Distt- East Champaran, Motihari
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sugauli
P.S. Case No. 91 of 2022 dated 15.02.2022, instituted for the
offence punishable under Sections 30(a)(b)(c) of the Bihar
Prohibition and Excise Amendment Act.

3. The prosecution case, in short, is that on 15.02.2022
pursuant to the information, a raid was being conducted by the
informant and recovered 20 litres country made liquor and 5000
litres raw material (Pass) of liquor. It is further alleged that
petitioner and other co-accused persons possessed the aforesaid
liquor. The informant tried to apprehend the petitioner and other
co-accused persons but they managed to escape away.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner submits that the petitioner has never made illegal liquor nor he has sold the same. Learned counsel for the petitioner submits that during investigation, the police did not find any material against the petitioner. Learned counsel for the petitioner submits that only the statement of local *chaukidar*, the petitioner has been named in this case. Lastly, it has been submitted that the petitioner is in custody since 11.05.2022 having four criminal cases against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Excise Court No. 1, Motihari, East Champaran, in Sugauli P.S. Case No. 91 of 2022, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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