

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40491 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- MOTIHARI District- East Champaran

Shankar Sahani Son Of Late Suba Sahani Resident Of Village- Paithaniya,
Ward No. 13, Ps- Chakiya, Distt- East Champaran, Motihari... .. Petitioner/s
Versus

The State of Bihar BIHAR Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody since 18.4.2023 in connection with Chakiya P.S. Case No. 141 of 2023 for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Act lodged on 18.4.2023 by the informant Preeti Kumari.

That the prosecution case alleged that on 18.4.2023 during the patrolling, police received the secret information that from the Patniya house of Shankar Sahani huge quantity of illegal wine is/are being sold. The police raided house of Shankar Sahani and saw the two men trying to escape. The police caught one of theme, the petitioner herein. He gave the name of Pramod Sahni. It further alleged that upon search, recovered/seized 140 liters country made wine behind he house of the Shankar Sahani.

It has been contended by the learned counsel for the



petitioner that the alleged recovery/seizure is from the backyard of the petitioner's house which is an open place.

The last submission is that he is in custody since 18.4.2023 (as stated in para-6 of the bail application).

Learned APP opposes the prayer stating that the alleged recovery is found from the backyard.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also the period of custody (18.4.2023), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No.1, Civil Court, East Champaran, Motihari, in connection with Chakiya P.S. Case No. 141 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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