

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51994 of 2023

Arising Out of PS. Case No.-159 Year-2020 Thana- TURKAULIYA District- East
Champaran

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CHUMAN SAHNI @ CHUMMON SAHANI SON OF LAL BABU
SAHANI @ BAHRAM SAHANI RESIDENT OF VILLAGE-
MAJHARIYA, PS- TURKAULIYA (RAGHUNATH PUR OP.), DIST- EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mrs.Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023

Heard the parties.

The petitioner is in judicial custody in connection with Turkauliya (Raghunath Pur) P.S. Case No. 159 of 2020 for the offence punishable under Sections 272, 273 and 34 of the I.P.C. and section 30(a) of the Bihar Excise Act lodged on 9.3.2020 by the informant, Rajendra Kumar Singh.

As per the prosecution story, the police intercepted a Bolero and recovered/seized 522 liters of wine. Accordingly, the FIR.

It is the case of the petitioner that the Bolero belongs to one Angad Sahani, they were simply villagers/passers-by but have been rounded up by the police and as such has been



remanded in this case and his in custody since 3.6.2023 (para-11 of the petition).

Learned APP opposes the prayer stating that he has criminal antecedent.

Taking into account the fact that the Bolero belongs to Angad Sahani who has since been granted bail by a coordinate bench of this Court in Cr. Misc. No. 32643 of 2021 and the petitioner has remained in custody since 3.6.2023, 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 Exclusive Special, Excise Court No.1, Civil Court, East Champaran at Motihari, in connection with Turkauliya (Raghunath Pur) P.S. Case No. 159 of 2020 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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