

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51113 of 2023

Arising Out of PS. Case No.-243 Year-2023 Thana- NAUTAN District- West Champaran

AYODHYA SAHANI S/O SRI GARHAN SAHANI RESIDENT OF
VILLAGE- PANDEY TOLA, P.S- NAUTAN, DISTT.- WEST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 11-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 21.06.2023 seeks
bail, in connection with Nautan P.S. Case No.243/2023, dated
20.06.2023, for the offences punishable under Sections 414 of
the IPC & Section 30(a) of Bihar Prohibition and Excise Act,
2016.
3. According to prosecution case, total 20 litres of
country made liquor has been recovered from the motorcycle of
the petitioner.
4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that from perusal of the F.I.R. as well as seizure



list, it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question. He further submits that there is non-compliance of the Section 100 of the Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner on 09.07.2023 and the petitioner is in custody since 21.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in both the cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, West Champaran at Bettiah in connection with Nautan P.S. Case No.243/2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

amit/-

U		T	
---	--	---	--

