

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60024 of 2023

Arising Out of PS. Case No.-1591 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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SANTLAL SAHANI SON OF SATAHU SAHANI VILLAGE-
MADHUBANI GHAT, PS -MOTIHARI MUFFASIL DIST -EAST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023

Heard the parties.

2. The petitioner is an accused in connection with Excise P.S. Case No. 1591 of 2023 registered for the offences under section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 10.07.2023 by the informant, Sanjay Kumar Gupta.

3. As per the prosecution story, the allegation is that near the bank of 'Sikrahana' river, the accused persons were preparing liquor, raided and allegation is that beside 100 litres country made liquor, 2 gas cylinders and 1200 raw materials recovered/seized. This followed the FIR.

4. It is the case of the petitioner that the recovery is near the river, not from his conscious possession and only he



being there to take a bath, has been implicated and has suffered by being in custody since 11.07.2023 (as stated in paragraph 8 of the bail application) and do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Considering the aforesaid submissions put forward by the learned Counsel for the petitioner, there is no recovery from his conscious possession, he is in custody since 11.07.2023 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2, East Champaran at Motihari in connection with Excise P.S. Case No. 1591 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 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 his 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 the bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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