

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64578 of 2023

Arising Out of PS. Case No.-388 Year-2022 Thana- SUGAULI District- East Champaran

Dharni Sahani, Son Of Arjun Sahani Village- Mehwa, Ps- Sugauli, Dist- 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.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sugauli P.S. Case No.388/2022, lodged on 24.08.2022 under Sections 272, 273, 414/34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the FIR has been lodged against 7 named accused persons including the petitioner upon recovery of five litre of country-made liquor which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that from the seizure list, it appears that nothing has



been recovered from the possession of the petitioner. The name of the petitioner has figured in this case by virtue of the confessional statement of co-accused persons. He admits that the antecedent of the petitioner is not clean as he is accused in 8 more criminal cases and in some of the cases he is on bail but in some of the cases he is persuading for bail. All the cases have arisen from the same police station. The petitioner is in custody since 24.07.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No.1, Civil Court, Motihari, East Champaran in connection with Sugauli P.S. Case No.388/2022, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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.

7. Speedy trial is the constitutional vision of the justice delivery system. Since the petitioner's name is present in 8-9 criminal cases all pending before the trial Court/Special Court shall run together and speedy hearing be made.

(Dr. Anshuman, J)

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