

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65363 of 2023

Arising Out of PS. Case No.-486 Year-2023 Thana- HARSIDHI District- East Champaran

1. PRASAD SAHNI @ PRASAD SAHANI Son of Suraj Sahani @ Surya Sahani Resident of Village-Ghograha Bairiya, Police Station-Harsidhi, District-East Champaran at Motihari.
2. HARERAM KUMAR Son of Jitan Patel @ Jitan Raut Resident of Village-Ghograha Bairiya, Police Station-Harsidhi, District-East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case instituted for the offence under Sections 272, 273, 353, 504/34 of the Indian Penal Code and Sections 30(a), 30(d), 32, 34, 36, 41(i) of the Bihar Prohibition and Excise (Amendment Act).

3. As per prosecution case, there has been recovery of 350 liters of sprit and some utensils from an open field.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. From the perusal of the FIR, it is



evident that the alleged recovery has been made from an open place, which does not belong to the petitioners. Only on the basis of suspicion and due to high handedness of the police, the petitioners have been implicated in the present case. The provision of Section 100 of the Cr.P.C. has not been followed in this case, while preparing the seizure list. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. They are languishing in judicial custody since 02.08.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Harsidhi P.S. Case No. 486 of 2023.

(Sunil Kumar Panwar, J)

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