

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64947 of 2022

Arising Out of PS. Case No.-471 Year-2022 Thana- TURKAULIYA District- East
Champaran

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Mahendra Sahni, Son of Late Banti Sahani, Resident of Village - Chailaha
Kothi, P.S.- Banjariya, District - 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 : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Turkauliya (Banjariya) P.S. Case No.471 of 2022 registered
for the offence punishable under Sections 272, 273 of the
I.P.C. and Section 30(a)(b)(c) of the Bihar Prohibition and
Excise Act, 2018.

There is alleged recovery of 35 litres of illicit
country liquor and 500 litres of a substance, allegedly used
for preparation of illicit liquor. It is stated that one person
was fleeing away, who has been identified by local persons



as being the petitioner.

It is submitted by the learned counsel for the petitioner that from the FIR itself, it is obvious that recovery is from a place accessible to one and all. The petitioner was not apprehended at the time and place of recovery. His implication on alleged statement of local persons is only based on his antecedents. The petitioner, in fact, has no concern with the allegedly recovered substance and he is stated to be in custody since 02.09.2022.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody, and the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, 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 Excise Court No.-1, East Champaran, Motihari, in connection with



Turkauliya (Banjariya) P.S. Case No.471 of 2022, subject to
the following conditions:

(i) That one of the bailors
will be a close relative of the
petitioner who will give an affidavit
giving genealogy as to how he is
related with the petitioner. The bailor
will also undertake to inform the court
if there is any change in the address of
the petitioner.

(ii) That the petitioner will
be well represented on each date and if
he fails to do so on two consecutive
dates, his bail bond will be liable to be
cancelled.

(Madhuresh Prasad, J)

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