

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66608 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- KHIRHAR District- Madhubani

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Dharmendra Kumar Sahani Son Of Rameshwar Sahani Resident Of Village-
Sataalkha, Police Station- Rahika, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-10-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Khirhar P.S. Case No. 63 of 2023 dated 22.07.2023, lodged
under Sections 272, 273, 414, 34 of the I.P.C. read with Section
30(a) of the Bihar Prohibition and Excise Act.

4. As per the prosecution case, the total recovery of
369 litre of *Nepali desi* wine has been made, which is the
subject matter of the present case.

5. Learned counsel for the petitioner submits that
total four motorcycles were recovered and from the motorcycle
on which the petitioner was alleged to be related was subject to

the recovery of 81 litre of *Nepali desi* wine. Counsel submits that the name of the petitioner has figured in this case by virtue of conspiracy. Counsel submits that the antecedent of the petitioner is clean and he is in custody since 23.07.2023. Counsel further submits that there is a gross violation of Section 100 of Cr.P.C. in recovery of the excise material.

6. Learned counsel for the State opposes the prayer for bail.

7. 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 Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Khirhar P.S. Case No. 63 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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