

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68310 of 2023

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

BASANT SAHNI @ BASANT KUMAR SAHNI S/O KARI SAHANI R/O
VILLAGE- GHOGHRAHA BAIRIYA, P.S- HARSIDHI, DISTT.- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 486 of 2023 registered for the offences punishable under Sections 272, 273, 353, 504, 34 of the I.P.C. and Sections 30(a), 30(D) 32, 34, 36, 41(i) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on 31.07.2023, the informant got secret information that petitioner alongwith other was manufacturing liquor in the mango orchard of co-accused Sanjay Kumar Singh. Thereafter, informant alongwith police officials reached on the spot and recovered 350 litre spirit from the mango orchard of co-accused Sanjay Kumar Singh. Four co-



accused persons were apprehended on the spot and petitioner alongwith other succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is in custody since 18.08.2023 and bears criminal antecedent of two cases. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No incriminating article has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the mango orchard of co-accused Sanjay Kumar Singh. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. He further submits that petitioner is not apprehended on the spot.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail



bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 486 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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