

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70410 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- MADHWAPUR District- Madhubani

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MOHAN SAHANI, Son of Nathuni Sahani, Resident of village- Madhopur,
Police Station- Benipatti, 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, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Sanjay Kumar Jha, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Madhwapur P.S. Case No.53 of 2023 registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police in course of patrolling apprehended two persons, who were coming on a motorcycle, bearing registration no. BR 30AA 4599. On search, total 36 litres of Nepali country made liquor was recovered in a Jute bag kept on the motorcycle.

4. It is submitted on behalf of the petitioner that the



petitioner has been made accused in the present case in the capacity of he being owner of the motorcycle, in question, which was being driven by his son. He further submits that on the alleged date of occurrence, the motorcycle was taken away by the son of the petitioner and his friend and he was not knowing the fact that the same was used for any illegal purposes. That apart, there is infirmities in the search and seizure. Further submission has been made that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case during the course of investigation, on account of he being the owner of the motorcycle, in question, which was seized by the police, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) 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 Madhwapur P.S. Case No.53 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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