

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73735 of 2022**

Arising Out of PS. Case No.-802 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- East Champaran

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PAWAN SAHANI Son of Kedar Sahni R/V- Benipur Pohaddi (Pahadi) P.S-  
Bahera, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vinay Kumar Mishra, Adv.  
For the Opposite Party/s : Mr.Suman Kumari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      13-04-2023                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise  
No. 802 of 2022 registered for the offence under Sections  
30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 158.040 liters of foreign liquor.

Learned counsel appearing for the petitioner  
submits that the petitioner, who is of clean antecedent, is  
innocent and has falsely been implicated in this case. He  
further submits that it appears from the F.I.R. and seizure list that  
nothing has been recovered from the house or conscious  
possession of the petitioner rather the alleged recovery has  
been made from the vehicle in question of which the



petitioner is said to be the driver. He further submits that the petitioner has no concern at all with the alleged recovery. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge, Excise Court No.2, East Champaran, Motihari in connection with Excise No. 802 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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