

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80330 of 2023

Arising Out of PS. Case No.-396 Year-2023 Thana- NAUTAN District- West Champaran

SACHIN KUMAR SONI Son of Prahlad Prasad Soni @ Prahlad Sah
Village- Khiriya Ghat Ps- Bairiya Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Nautan P.S. Case No. 396/2023 registered for the offences
punishable under Section 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged
recovery of 24.600 liters foreign liquor from the motorcycle in
question bearing registration no.BR05AK-4172 and the
petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner has nothing to do with the alleged
occurrence and nothing has been recovered from the conscious



possession of the petitioner. The petitioner is languishing in custody since 17.09.2023 and bears no criminal antecedent. He further submits that the petitioner was returning to his house after playing football, in the meantime, the police was chasing the person who was fleeing after leaving the motorcycle, merely on suspicion, the police roped the petitioner in the present case. He further submits that the petitioner was neither the owner nor was concerned with the seized liquor. He further submits that the seizure list has not been prepared as per the law.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-1, Bettiah, District-West Champaran in connection with Nautan P.S. Case No. 396/2023, 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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