

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4533 of 2024

Arising Out of PS. Case No.-279 Year-2022 Thana- HARSIDHI District- East Champaran

Nandu Sahni @ Nandu Sahani Son Of Lalan Sahani Resident Of Village -
Damoviriti, P.S. - Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Harsidhi P.S. Case No. 279 of 2022 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act , 2016.

As per prosecution case, 10 litre country made
liquor was recovered from Damoviriti Chawar. It is further
alleged that local villagers disclosed the name of petitioner and
others who succeeded in fleeing away from place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR. It is further submitted that petitioner was not
apprehended on spot. The name of petitioner has transpired in



the case upon disclosure of local villagers. Except disclosure, there is nothing on record to connect the present petitioner with the alleged occurrence. The place of recovery is an open place which is accessible to all and petitioner is not in any way connected with the alleged recovery. Because of previous criminal antecedents of the petitioner, he has been falsely roped in the present case in a routine manner. Petitioner is in custody since 05.06.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of seven cases.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on 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 Judge-I, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 279 of 2022, subject to the 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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