

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6470 of 2024

Arising Out of PS. Case No.-137 Year-2023 Thana- KALUAHI District- Madhubani

SHIVA NAND SAHANI @ SHIVANAND SAHANI S/O- KISHORI
SAHANI R/O- VILLAGE- HARIPUR MAJRAHI, P.S.- KALUAHI, DIST.-
MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Kaluahi P.S. Case No. 137 of 2023 registered for the offences punishable under Sections 272, 273 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, Amendment Act, 2018.

3. As per prosecution case, on secret information police team reached at village Haripur Majrahi. Seeing the police team one person fled away from the spot. On search, 120 litre country made Nepali liquor was recovered from the sack which was tied on the motorcycle in question.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has not committed any offence as alleged in the FIR. He further submits that petitioner is not named in the FIR and during course of investigation, his name has been surfaced in this case being owner of the motorcycle in question. He further submits that motorcycle of the petitioner has been taken by someone as a friendly gesture and petitioner has no knowledge that his motorcycle has been used in carrying the illicit liquor. He further submits that petitioner is not in any way connected with the alleged occurrence. Petitioner has no concern with the seized liquor in question. Petitioner is in custody since 27.11.2023 and bears criminal antecedent of two cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, 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 Additional Sessions Judge-II cum Special Judge,
(Excise Act), Madhubani in connection with Kaluahi P.S. Case
No. 137 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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