

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18161 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- BENIPATTI District- Madhubani

Naval Sahani Son of Late Sushil Sahni Resident of Village- Beheta, P.S.-
Benipatti, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Shaheen Begum, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Benipatti P.S. Case No. 237 of 2023 registered for the offences punishable under Sections 272, 273/34 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 887.400 litre illicit liquor was recovered from the Pick-up van in question and local people disclosed the name of petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is in custody since 11.01.2024 and bears criminal antecedent of one case in which he is on bail. He further submits that petitioner is not apprehended on the spot. Basically,



no incriminating article has been recovered from his conscious possession. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case because he is having criminal antecedent of similar nature of one case. He further submits that vehicle in question does not belong to the petitioner. There is no compliance of Section 100 of Cr.P.C. as well as Section 82 of the Bihar Prohibition and Excise Act. He further submits that co-accused Varun Roy @ Barun Roy has already been granted bail by this Court vide Cr. Misc. No. 5779 of 2024 and the case of present petitioner stands on similar footing and hence, the petitioner also deserves bail.

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, co-accused has already been granted bail, 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 A.D.J. II cum Special Judge – Excise Act, Madhubani in connection with



Benipatti P.S. Case No. 237 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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