

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21199 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- HARSIDHI District- East Champaran

Sunil Sahani S/o Lalan Sahani R/o vill - Kubasa Pakariya, P.S. - Harsidhi,
Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 18-03-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Harsidhi
P.S. Case No. 438 of 2023 instituted for the offences punishable
under Sections 272/373 of the Indian Penal Code and Sections
30(a)(b)(c), 32, 34, 36, 41(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 30 litres
of liquor was recovered from bushes near the bank of river.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel submitted that although petitioner is named in
the FIR, he has not been arrested on the spot. No incriminating



article has been recovered from the conscious possession of the petitioner rather the recovery has been made from an open place. The petitioner has got no concern with the alleged recovery of liquor. Charge-sheet has been submitted in this case. The petitioner is in custody since 28.12.2023 and has one criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Harsidhi P.S. Case No. 438 of 2023.

(Rudra Prakash Mishra, J)

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