

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37357 of 2024

Arising Out of PS. Case No.-489 Year-2023 Thana- HARSIDHI District- East Champaran

Raju Sahani S/o Sahdev Sahani R/o vill - Damobriti, P.S. - Harsidhi, Distt.-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mrs.Asha Devi, APP

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

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Harsidhi P.S. case
No. 489 of 2023 instituted for the offences under Sections
272, 273 of the Indian Penal Code and 30(a), 30(d), 32 and
41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 70 liters
liquor was recovered from open field.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
the present case. No incriminating material has been
recovered from the conscious possession of the petitioner.



The petitioner has got no concern with the alleged recovery of liquor and the same has been recovered from an open field. It is further submitted that the name of the petitioner has been disclosed by the local Chowkidar. The petitioner is in custody since 23.04.2024 and has got three criminal antecedents. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. 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, clean antecedent 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. 489 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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