

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48041 of 2024

Arising Out of PS. Case No.-511 Year-2021 Thana- SUGAULI District- East Champaran

Awadhesh Sahani Son Of Janakdeo Sahani Village- Mehawa, P.S.- Sugauli,
Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhannjay Kumar, Advocate
For the State	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sugauli P.S. Case No. 511 of 2021 for the offence under sections 30(a)(b)(c) of the Bihar Prohibition and Excise Act lodged on 04.12.2021 by the informant, Md. Aurangjeb.

3. As per the prosecution story, the informant alleged that upon secret information, the police managed to apprehend one Chandan Sahni and there was recovery of 10 liters of country made liquor from him. As they prepared the seizure list and arrested the Chandan Sahni and while proceeding towards the police station again got information that this petitioner is also preparing the country made liquor. Accordingly, the place was raided, one person managed to escape and there was recovery of 100 liter mahua liquid as also two liter country



made liquor which were seized and F.I.R. lodged against both Chandan Sahni and this petitioner.

4. Learned counsel for the petitioner submits that the recovery/seizure has been shown from the dam and not either from his conscious possession or his house. He has enmity with the local *chowkidaar* which has resulted into number of cases against him.

5. Learned APP opposes the prayer submitting that the petitioner have clean antecedent.

6. Taking into account the fact of the case as also the recovery/seizure which is not from the house of the petitioner, though he has criminal antecedent, has undertaken to cooperate in the investigation and diligently appear in trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Court No.1, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 511 of 2021 subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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