

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78471 of 2024

Arising Out of PS. Case No.-401 Year-2024 Thana- SUGAULI District- East Champaran

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Vinay Sahani @ Vijay Kant Sahani S/O Kishori Sahani R/O Vill-Mehwa,
P.S.- Sugauli, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sugauli P.S. Case No. 401/2024 for the offence punishable under Sections 317(5) of B.N.S. and 30(a) of the Bihar Prohibition and Excise Act lodged on 07.09.2024 by the informant, Navin Kumar.

3. As per the prosecution story, the informant alleged that upon information, a motorcycle was intercepted and there is recovery/seizure of 20 liters of country made liquor. This led to arrest, the FIR.

4. Learned counsel for the petitioner submits that he does not own the motorcycle, implicated only because of criminal antecedent, is in custody since 08.09.2024 (para-6 of the petition).



5. Learned APP opposes the prayer submitting that there is recovery of 20 liters of country made liquor from the motorcycle.

6. Considering the aforesaid submissions put forward by the parties as also that he is in custody since 08.09.2024, FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Civil Court, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 401/2024 subject to the following conditions:

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