

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79015 of 2024

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

Sudish Sahani @ Sudisth Sahani @ Sudish Sahni S/o- Rama Sahani @
Ramraj Sahani Village- Kubra Ps-HarsiddhiDist-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

ORAL ORDER

2 11-11-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Harsidhi PS Case No. 438 of 2023 instituted for the offences under Sections 272 & 273 of the Indian Penal Code and Sections 30(a)(b)(c), 32, 34, 36, 41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 30 liters liquor was recovered from plastic gallon.

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. It is submitted that recovery is from an open place, which is accessible to one and all. The petitioner is in custody since 21-09-2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C. Charge sheet has already been submitted in this case. Other co-accused have been granted bail by this Court *vide* orders dated 18-03-2024 & 26-04-2024, passed in Cr. Misc. No. 21199 of 2024 & Cr. Misc. No. 32665 of 2024, respectively.

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 of the petitioner, claim based on parity 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 PS Case No. 438 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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