

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82886 of 2024

Arising Out of PS. Case No.-395 Year-2024 Thana- TURKAULIYA District- East
Champaran

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Shyambabu Sahani S/o- Late Lachhawar Sahani R/o village Jhakhiya P.S.
Banjariya District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Arvind Kumar Pandey(APP84)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 At the very outset, learned counsel for the petitioner submits that the custody period was missed out in the petition and for the same, he wants to contribute Rs. 1000/- to Patna High Court Legal Services Committee and a receipt thereof shall be filed in course of the day before the Court.

2. Heard the parties.

3. The petitioner is in judicial custody in connection with Turkauliya P.S. Case No. 395 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 19.09.2024 by the informant, Lachchhu Uraon.

4. As per the prosecution story, the informant alleged that during patrolling and upon secret information, the vehicle checking done and there is recovery/seizure of 38 litres wine



from the dickey of the motorcycle of the accused which led to the FIR/arrest.

5. It is the case of the petitioner that he is not the owner of the motorcycle and nothing has been recovered from his conscious possession, he being a pillion rider had no knowledge about the presence of the wine.

6. Learned APP opposes the prayer.

7. Considering the submissions put forward by the parties as also the period of custody, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner, above named, 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, East Champaran at Motihari in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors 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 six months 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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