

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80031 of 2024

Arising Out of PS. Case No.-116 Year-2024 Thana- MADHWAPUR District- Madhubani

Juge Sahani @ Yugeshwar Sahni @ Yugesar Sahni Son of Late Lakhan
Sahani R/o - Bairba Usrahi, P.S - Madhwapur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the State : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Madhwapur P.S. Case No. 116 of 2024 for the offences punishable under Sections 274 and 275 of the Bharatiya Nyaya Sanhita, and 30(a) of the Bihar Prohibition and Excise Act, lodged on 24.09.2024 by the informant, Chand Rashid Ansari.

3. As per the prosecution story, the police on suspicion intercepted a cycle which started moving fast, the bag was searched and there is recovery/seizure of 72 liters of wine from it, which led to the F.I.R.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, got implicated after altercation with the police, has no criminal antecedent and is in custody since 25.09.2024 (paragraph no.10



of the petition).

5. Learned APP for the State opposes the prayer submitting that from the bag on the cycle, recovery has been made.

6. Considering the submissions put forward by the parties as also the fact that he do not have criminal antecedent and is remained in custody since 25.09.2024, F.I.R. lodged, will be facing the trial, this Court is inclined to extend him the privilege of bail.

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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Madhwapur P.S. Case No. 116 of 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 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 six months to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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