

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81095 of 2024

Arising Out of PS. Case No.-400 Year-2024 Thana- SUGAULI District- East Champaran

1. Kishori Sahni @ Kishori Sahani S/O Chhathu Sahani @ Chhathu Sahni R/O Village- Bhataha Dumdumwa, P.S- Sugauli, Distt.- East Champaran.
2. Faguni Sahni @ Faguni Sahani S/O Chhathu Sahani @ Chhathu Sahni R/O Village- Bhataha Dumdumwa, P.S- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-11-2024

Heard the parties.

2. The petitioners are in custody in connection with Sugauli P.S. Case No. 400 of 2024 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act lodged on 07.09.2024 by the informant, Shammu Sah.

3. As per the prosecution story, the Police upon secret information, raided the Mango orchard and there is recovery/seizure of 8 liters and 10 liters from Faguni Sahni and Kishori Sahni respectively which led to the arrest/FIR.

4. Learned counsel for the petitioners submit that nothing has been recovered from their conscious possession rather from the open place, they had been implicated despite the



fact that they have no criminal antecedent and are in custody since 08.09.2024 (paragraph-4 of the petition).

5. Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid facts as also that now that the FIR is there, they will have to face the trial, an undertaking has been given that they will be diligently appearing in it and are in custody since 08.09.2024 having no criminal antecedent, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No. 1, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 400 of 2024 subject to the following conditions:

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;



(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance;

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

(Rajiv Roy, J)

Adnan/-

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