

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84711 of 2024

Arising Out of PS. Case No.-435 Year-2024 Thana- SUGAULI District- East Champaran

Niraj Sahani Son of Tejnarayan Sahani R/o village Mehwa, P.S. Sugauli
District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Sugauli P.S. Case No. 435 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act and 317(5) of BNS Act lodged on 03.10.2024 by the informant, Anurag Raj.

3. As per the prosecution story, the police during patrolling intercepted a motorcycle and there is recovery/seizure of 15 liter country made liquor. This led to the FIR, arrest.

4. With the help of paragraph no. 6, learned counsel for the petitioner submits that the motorcycle does not belong to him, he is a student and has no criminal antecedent. Only because certain arguments took place with the police, got implicated, is in custody since 04.10.2024, if granted bail, he



shall be diligently appearing in trial.

5 Learned APP opposes the prayer for bail.

6. Taking into account the aforesaid submissions as also the facts on record, he do not have criminal antecedent, is in custody since 04.10.2024, is a young boy, 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) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, East Champaran at Motihari in connection with Sugauli P.S. Case No. 435 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/her 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 fortnight for 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)

Vijay Singh/-

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