

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83570 of 2023

Arising Out of PS. Case No.-352 Year-2019 Thana- SUGAULI District- East Champaran

Chanda Sahni @ Chanda Sahani Son of Puja Sahni @ Kuja Sahni R/O
Village- Gorigawa, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sugauli P.S. Case No. 352/2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there was alleged recovery of 30 liters country made liquor from bamboo orchard. The petitioner was not apprehended on the spot and local villagers disclosed the name of petitioner who was involved in the business of illicit liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Except disclosure of local villagers, there is nothing on



record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 25.09.2023 and bears criminal antecedent of three cases and in all cases he is on bail. The alleged recovery was made from open place and the same was accessible to all. He further submits that the petitioner was neither owner of the said bamboo orchard nor was concerned with the alleged seized liquor. He further submits that the petitioner has been roped in a case one after another in a routine manner.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-01, Motihari, East Champaran in connection with Sugauli P.S. Case No. 352/2019,



subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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