

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83769 of 2023

Arising Out of PS. Case No.-333 Year-2023 Thana- NADI P.S. District- Patna

=====

Gautam Sahani Son Of Raju Sahani Resident Of Village- Sammaspur, Ps-
Nadi, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Sangeeta Sharma

=====

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.

The petitioner seeks bail in connection with Nadi
P.S. Case No. 333 of 2023 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, 300 litre country made
liquor was recovered from a boat at Sammaspur Triveni Ghat
and one co-accused namely Sanjay Kumar Sahani was
apprehended on spot. It is further alleged that co-accused Sanjay
Kumar Sahani disclosed the name of petitioner and others who
succeeded in fleeing away from place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. It is further submitted that the name of present petitioner has been surfaced in this case on account of disclosure of co-accused Sanjay Kumar Sahani. Except disclosure of co-accused, there is nothing on record to connect the present petitioner with the alleged recovery. Basically no incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that petitioner was not apprehended on spot. There is no compliance of Section 100 of the Cr. P.C. Petitioner is in custody since 09.10.2023. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on spot, keeping in view clean antecedent of the petitioner, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, of Excise, Patna City in connection with Nadi P.S. Case



No. 333 of 2023, subject to the 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)

asmit/-

U		T	
---	--	---	--

