

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86120 of 2024

Arising Out of PS. Case No.-436 Year-2024 Thana- SUGAULI District- East Champaran

Umesh Sahani Son of Arjoo Sahani Village -Mehwa Ps- Sugauli District -East
Chamaparan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sugauli
P.S. Case No. 436 of 2024 instituted for the offences under
Section 317(5) of the B.N.S. and Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 80 liters of illicit country-made liquor from the possession
of petitioner/accused persons on two motorcycles bearing Regd.
Nos. BR22K-5522 and BR05AZ-4923. The petitioner is alleged
to have been arrested on spot.

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



against him and has falsely been implicated in the present case due to village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The seized motorcycles do not belong to the petitioner. The petitioner has never indulged in any business of illegal wine and transporting of the same on motorcycle. In course of investigation, nothing adverse has come against the petitioner. The petitioner has also no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has five criminal antecedents of similar nature of offences but, in all of them, he is on bail and is languishing in judicial custody since 05.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sugauli P.S. Case



No. 436 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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