

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87327 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- HARSIDHI District- East Champaran

Vidyalal Sahani S/o- Ver Sahani @ Veer Chaudhary Village- Khubra Pakariya
Ps- Harsidhi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Harsidhi P.S. Case No. 438 of 2023 instituted for the offences
under Sections 30(a)(b)(c), 32, 34, 36, 41(1) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 30 litres of illicit country-made liquor from the bushes near
the river bank.

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.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner has no concern with the other co-accused persons. The petitioner has also no concern with the alleged recovery of illicit liquor. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the local Chaukidar. During entire investigation, no substantive evidence has come against the petitioner. 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 one criminal antecedent in which he is on bail and is languishing in judicial custody since 27.10.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Sunil Sahani has been granted bail by this Court vide order dated 18.03.2024 passed in Cr. Misc. No. 21199 of 2024.

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

7. 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 Harsidhi P.S. Case
No. 438 of 2023.

(Rudra Prakash Mishra, J)

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