

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3313 of 2024

Arising Out of PS. Case No.-623 Year-2023 Thana- HARSIDHI District- East Champaran

Ranu Sahani S/O DEOLAL SAHANI VILLAGE- MERWA, PS. SUGAULI,
DIST. EAST CHAMPARAN, MOTIHARI.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mrs.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 623 of 2023 registered for the offences punishable under Sections 272, 273 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, 10 litre country made liquor was recovered from the motorcycle in question which was being driven by the petitioner and he alongwith co-accused Jaybir Kumar apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Learned counsel orally submits that petitioner is not owner of the seized motorcycle in question.



Petitioner has been apprehended on the spot merely on the basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged liquor. Learned counsel submits that petitioner bears criminal antecedent of one case viz. Sugauli P.S. Case No. 321 of 2022 in which he is on bail but in impugned order, it has wrongly been mentioned that petitioner bears criminal antecedent of two cases. Petitioner is in custody since 29.10.2023. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, 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 Excise Judge-1, Motihari, East



Champan in connection with Harsidhi P.S. Case No. 623 of 2023, 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.

(iv) And, further condition that the trial court shall verify the criminal antecedent of the petitioner before accepting the bail bond.

(Alok Kumar Pandey, J)

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