

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66352 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- BANJARIA District- East Champaran

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Pramod Sahani, aged about 25 years, Male, Son of Kissa Sahani @ Kisa Sahani, Resident of Village- Jhakhya Naya Tola, P.S.- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

5 18-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Banjariya P.S. Case No. 165 of 2024 instituted for the offences punishable under Sections 274, 275, 317(5) BNS and 30(a) of the Bihar Prohibition and Excise (Amdt.) Act.

3. As per the prosecution case, total 37 liters of country made liquor has been recovered from a plastic sack.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He further submits that



nothing has been recovered from the possession of the petitioner. There is no any independent witness of the seizure list. He next submits that there is no any evidence has come to connect the petitioner in the alleged crime. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 20.07.2024. Similarly situated co-accused persons namely Bhola Sahani has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 65171 of 2024 vide order dated 17.09.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Exclusive Special Excise Judge-1, East Champaran at Motihari dated 09.08.2024, it appears that petitioner is named in the FIR. There is no any independent witness of the seizure list and petitioner has got clean antecedent as stated in para 3 of the petition as well as the fact that similarly situated co-accused person has already been granted bail by this Court, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named 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 the learned Exclusive Special Excise Court No. 1, East Champaran at Motihari in connection with



Banjariya P.S. Case No. 165 of 2024.

(Ramesh Chand Malviya, J)

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