

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17337 of 2021

Arising Out of PS. Case No.-834 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

1. Lalbabu Sahani (Male) aged about 30 years, S/o Bhajan Sahani R/o village - Hari Sah Chowk Paigamberpur Loluha P.S. - Ahiyapur, District - Muzaffarpur.
2. Jagat Sahani (Male) aged about 35 years, S/o Bhajan Sahani R/o village - Hari Sah Chowk Paigamberpur Loluha P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Md. Aslam Ansari A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 08-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Ahiyapur P.S. Case No. 834 of 2020, registered for the offence under Sections 272, 273 of the I.P.C. and Sections 30(a)/35 of Bihar Prohibition and Excise Act.

30 liters of country-made liquor has been recovered from the house of these petitioners.

It is submitted on behalf of petitioners that nothing has been recovered from the conscious possession of the petitioners. The recovery has been made from the house, which is in joint possession of the family. Petitioners claim clean antecedent and petitioner no. 1 is in custody since 10.12.2020, whereas, petitioner no. 2 is in custody since 24.12.2020.



Learned A.P.P. for the State has opposed the bail petition.

Considering the period of custody, clean antecedent of petitioners and the fact that nothing has been recovered from conscious possession of the petitioners, the bail petition of petitioners is allowed. Let the above named petitioners be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Ahiyapur P.S. Case No. 834 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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