

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8655 of 2022

Arising Out of PS. Case No.-481 Year-2021 Thana- GAIGHAT District- Muzaffarpur

1. MITHILESH SAHNI S/o Gajadhar Sahni R/o Village- Dhabauli, P.S.- Gaighat, District- Muzaffarpur.
2. Sunita Devi W/o Mithilesh Sahni Resident of Village- Dhabauli, P.S.- Gaighat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code read with Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 04 litres country made liquor, 40 litres of mixture of *jaggery* and oil nut flower from the house of the petitioners.



Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. that nothing has been recovered from the conscious possession of the petitioners rather recovery have been made from the house of the petitioners and there is violation of Section 100 of the Cr. P.C. and the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 20.12.2021.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gaighat P.S. Case No. 481 of 2021, with the following conditions :-

(1) Petitioners shall co-operate 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 on their absence on two consecutive dates without



sufficient reason, their bail bonds shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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