

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37418 of 2022

Arising Out of PS. Case No.-35 Year-2020 Thana- HATHAURI District- Muzaffarpur

Lalan Sahni Son Of Ram Ekbal Sahni Resident Of Village- Dakrama, P.S.-
Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Shrivastava

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Hathauri P.S.Case No. 35 of 2020 for the
offences punishable under Sections 270, 272, 273, 328,
419, 420, 465, 467, 468, 471, 472 and 120B of the Indian
Penal Code and section 30(a) of the Bihar Prohibition &
Excise Act and 4/6 of Trade Marks Act.

The allegation against the petitioner is to be
involved in trade of illicit liquor and its manufacturing. On



secret information 225 liters of Indian made foreign liquor and other manufacturing items were recovered from banana field of Nagendra Sah.

Learned counsel for the petitioner submits that the alleged recovery has been made from a banana field of Nagendra Sah, which has no connection with the petitioner. He further submits that petitioner was neither apprehended at the spot nor any incriminating material has been recovered and his name has been implicated only on account of past criminal antecedent. He further submits that the name of the petitioner has been disclosed by village chaukidar and save and except the disclosure made by village chaukidar, there is not other material. He also submits that there is no compliance of section 100 of Code of Criminal Procedure in as much as, there is no independent witness to the seizure list. He further submits that the petitioner has been remanded in this case on 13.09.2021 and since then he is in custody.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that he is also found involved in one another criminal case.



Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered and save and except the disclosure made by the village chaukidar and past criminal antecedent, there is no material against the petitioner, 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 learned Special Judge, Excise, Muzaffarpur in connection with Hathauri P.S.Case No. 35 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable



to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. 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.

(Harish Kumar, J)

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