

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53612 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- GAIGHAT District- Muzaffarpur

1. Lakhan Sahni Son Of Tati Lal Sahani Resident Of Village And P.O - Jarang Tekuna, P.S - Gaighat , Dist- Muzaffarpur
2. Indal Sahani Son Of Pritam Sahani Resident Of Village- And P.O Jarang Tekuna, P.S- Gaighat, Dist- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-04-2022 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 the learned A.P.P. for the State.

The petitioners seek bail in connection with Gaighat P.S.Case No.120 of 2021, registered for the offence under Sections 272, 273/34 of IPC and Sections 30 (a), 41(1), 36 of the Bihar Prohibition and Excise Act.

Allegation against the petitioners is that they were involved in the business of preparing and selling illicit liquor.

Learned counsel for the petitioners submits that they



have clean antecedent and have falsely been implicated in the present case. He further submits that it appears from the FIR that nothing has been recovered from the conscious possession of the petitioners rather recovery was made from the co-accused Sunil Sahani and Puneeta Devi. He further submits that co-accused namely Sunil Sahani and Puneeta Devi have been privilege of regular bail vide order dated 02.09.2021 and 10.09.2021 passed in Cr. Misc. No. 33363 of 2021 and 35575 of 2021 respectively. The petitioners are in custody since 22.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the fact and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bonds 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 Gaighat P.S.Case No.120 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 bond shall be cancelled by the Court below.

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

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 antecedent, 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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