

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51799 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- JADOPUR District- Gopalganj

1. Lalan Sahani S/o Late Mushar Sahani Resident of Village- Ismaailpur, P.S. and District- Vaishali.
2. Kodai Shani S/o Late Mushar Sahani Resident of Village- Ismaailpur, P.S. and District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 09-11-2022 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Jadopur
P.S. Case No. 146 of 2022, registered for the offences
punishable under Section 30 (a) Bihar Prohibition and Excise
(Amendment) Act, 2016 cum 2018.

As per allegation, 164.16 liters of foreign liquor
was recovered from a boat while unloading at village
Patahara near Gandak river.

The Ld. counsel for the petitioners submits that the
petitioner are innocent and have falsely been implicated in



this case. He also submits that the petitioners are only labourers and nothing has been recovered from their conscious possession.

The petitioners have been languishing in jail since 21.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner no. 1, namely, Lalan Sahani has earlier been made accused in one more case.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. A.D.J.-II cum Special Excise Judge Court No. 1, Gopalganj in connection with Jadopur P.S. Case No. 146 of 2022 on the following



conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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