

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64370 of 2021**

Arising Out of PS. Case No.-430 Year-2021 Thana- DHAKA District- East Champaran

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MUKESH SAHANI Son of Imrit Sahani Resident of Village- Pantaki, P.S.-
Barganiya, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv

For the Opposite Party/s : Ms.Pushpa Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-03-2022 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 petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Dhaka
P.S. Case No.430 of 2021, registered for the offence under
Sections 414 and 34 of IPC, Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

Recovery is of total 262.500 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. He further submits that nothing
has been recovered from the conscious possession of the



petitioner rather the recovery has been made from Tata Magic vehicle and motorcycle in question. He further submits that the petitioner has been made accused in the present case only on the basis of suspicion. He further submits that co-accused, namely, Pramod Mahto @ Kamod Mahto has been granted bail by this Court vide order dated 03.03.2021 in Cr. Misc. No.61923 of 2021 and the petitioner is in custody since 27.08.2021.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Motihari, East Champaran in connection with Dhaka P.S. Case No.430 of 2021 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation 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.

(Rajesh Kumar Verma, J)

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