

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64138 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- SAHIYARA District- Sitamarhi

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DASRATH SAHANI @ DASRATH MUKHIYA Son of - Late Kailash Sahani
Resident of Village - Hanuman Nagar, Binwa Tola, P.S. - Sahiyara, District -
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65673 of 2021

Arising Out of PS. Case No.-38 Year-2021 Thana- SAHIYARA District- Sitamarhi

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MANOJ SAHNI Son of Ram Ekaval Sahani Resident of Village- Laxmipur,
P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 64138 of 2021)

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

For the Opposite Party/s : Dr. Ajeet Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 65673 of 2021)

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 20-04-2022 Heard learned counsel for the parties.

The two petitioners in the two applications have
prayed for grant of regular bail in connection with Sahiyara
P.S. Case no. 38 of 2021 registered under section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on secret information



having been received about seven named accused persons including the two petitioners herein being involved in the trade of liquor, it is stated that a raid was conducted. Seeing the police personnel all the accused persons escaped, however, Rambabu Mandal was arrested. He disclosed the name of the six accused persons who managed to escape which included the two petitioners herein.

It is submitted by learned counsel for the petitioners that neither the petitioners were arrested at the spot nor any incriminating article has been recovered from their possession. They have been falsely implicated in the case on the statement of the co-accused made before police. They have no criminal antecedent and are in custody since 24.8.2021 and 1.7.2021 respectively. Chargesheet has been submitted in the case.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the petitioners not having been arrested at the spot, both of them having remained in custody for more than 7 months, not having any criminal antecedent and chargesheet having been submitted in the case, the petitioners are directed to be enlarged on bail in connection with Sahiyara P.S. Case no. 38 of 2021 on



each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II-cum-Special Judge, Excise, Sitamarhi.

(Partha Sarthy, J)

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