

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59667 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- HARLAKHI District- Madhubani

1. Manish Kumar Son Of Ram Babu Mandal R/O Village- Kalauhi, P.S.- Kaluahi, District- Madhubani
2. Kiran Sahni Son Of Mahendra Sahani R/O Village- Kalauhi, P.S.- Kaluahi, District- Madhubani
3. Ganesh Sahni Son Of Domu Sahani R/O Village- Kalauhi, P.S.- Kaluahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Harlakhi P.S. Case No. 236 of 2022 registered
for the alleged offences under Sections 272, 273 and 34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, during night patrolling,
police found two motorcycles coming from the side of a canal



and on seeing the police party they tried to run away with their motorcycle. One person was apprehended with his motorcycle and he disclosed his name as co-accused Pramod Sahani. He also disclosed about the petitioners who were riding the another motorcycle and at the instance of the co-accused the petitioners were apprehended and three sacks containing Nepali country made liquor were recovered. On search, total 131.4 litres of Nepali country made liquor was recovered from the sacks.

The learned counsel for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. The petitioners have been arrested merely on suspicion. Nothing incriminating has been recovered from their conscious possession. The petitioners are neither the owner nor the riders of the motorcycle seized by the police. The petitioners are merely labourers and they have been arrested by the police in its highhandedness. Even from the facts of the FIR it is clear that recovery has been made from an open place and the petitioners could not be fastened of the liability with the said recovery. The petitioners are in custody since 04.08.2022 and charge-sheet has been submitted. The petitioners are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the period of custody and clean antecedents of the petitioners along with the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No. 236 of 2022 , subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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