

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64006 of 2022

Arising Out of PS. Case No.-217 Year-2019 Thana- JAYNAGAR District- Madhubani

Lakshman Sah @ Laxman Sah S/O Ramprit Sah Resident Of Village-
Korahiya, P.S.- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Jaynagar P.S. Case No. 217 of 2019 dated 28.04.2019 corresponding to G.R. No. 830 of 2019, registered for the offences punishable under Sections 272, 273 and 414/34 of the Indian Penal Code and Section 30 (a) Bihar Excise and Prohibition Act.

The prosecution story as emerges form the FIR is that total 72 liters of Nepali country-made liquor has been recovered from a motorcycle.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr. PC.

The petitioner has been languishing in jail since 07.09.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved before this Court for grant of anticipatory bail vide Cr. Misc. Case No. 56438 of 2019.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in seven more cases.

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

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani in connection with



Jaynagar P.S. Case No. 217 of 2019 dated 28.04.2019
corresponding to G.R. No. 830 of 2019 on the following
conditions:

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

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

(iii) The petitioner 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 him
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 petitioner has criminal antecedent other than
the disclosed one, the learned court below shall cancel the
bail bond of the petitioner after hearing him and getting
satisfied that the petitioner has concealed his criminal
antecedent despite his 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 petitioner.

The application stands allowed accordingly.

Learned counsel for the petitioner 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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