

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65955 of 2022

Arising Out of PS. Case No.-396 Year-2022 Thana- KESARIA District- East Champaran

1. KUMOD SAHANI Son of Prayag Sahani @ Prayag Sahni Resident of Village - Siswa Kharar Ward No.- 13, P.S.- Kalyanpur, District - East Champaran
2. Dharmendra Sahani @ Dharmendra Kumar Son of Shankar Sahani Resident of Village - Siswa Kharar Ward No.- 13, P.S.- Kalyanpur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Kesariya P.S. Case No. 396 of 2022, registered for the

offences punishable under Sections 272 and 273 of the

Indian Penal Code and Sections 30(a), 32 and 41(1) of

Bihar Prohibition and Excise (Amendment) Act, 2018

As per allegation, 30 litres of country made liquor

has been recovered near a chimni *Bhatta*.

The learned counsel for the petitioners submits that

the petitioners are innocent and have falsely been implicated



in this case on the basis of suspicion. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that the petitioners have been falsely implicated in this case due to dirty village politics.

The petitioners have been languishing in jail since 08.08.2022.

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 that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioners 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. Special Judge Excise Court No-2, East Champaran, Motihari in connection



with Kesariya P.S. Case No. 396 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 any criminal antecedents, 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 antecedents 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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