

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4673 of 2023

Arising Out of PS. Case No.-186 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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LAKHINDRA SAHANI Son of Ganga Sahani R/V- Banparuwa, P.S-
Dumariyaghat, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
22.10.2022 in connection with Dumariyaghat P.S. Case No. 186
of 2021, F.I.R. dated 26.09.2021 registered for the offence
punishable under Sections 30(a), 32,41 of Bihar Prohibition and
Excise Act.

Recovery is of 150 liters of country made liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present case
mainly on the basis of the disclosure made by the Chaukidar.
Further submits that nothing has been recovered from conscious
possession of the petitioner rather the recovery has been made



from the bank of Banparuwa and the petitioner has no concern at all with the alleged recovery of illicit liquor and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries eight more cases other than the present one but fairly submits that out of eight cases, the petitioner has been acquitted in three cases, in two cases, the petitioner is on bail and rest three cases are pending for consideration, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, 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 Exclusive Special Excise Court No.-2, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No. 186 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.

(3) 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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