

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5095 of 2023

Arising Out of PS. Case No.-249 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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Lakhindra Sahani Son of Late Ganga Sahani Resident of village - Banparuwa,
P.S.- Dumariyaghat, District - 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. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
22.10.2022 in connection with Dumariyaghat P.S. Case No. 249
of 2021, F.I.R. dated 17.12.2021 for the offences punishable
under Sections 30(a), 32 and 41(i) of the Bihar Prohibition and
Excise Act.

Recovery is of 10 liters of country made liquor.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case merely



on the basis of the disclosure made by the local chowkidar. He further submits that nothing has been recovered from the conscious possession of the petitioner or from the house of the petitioner. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor and merely on the basis of the suspicion, his name was implicated in this case. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.10.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 8 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that out of 8 cases, in 3 cases he has been acquitted from the charges leveled against him, in 2 cases he is on bail and rest 3 cases is pending against him.

Considering the aforesaid facts and circumstances and the fact that nothing has been recovered from the 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 the learned Exclusive Special Excise Court No. 2, East



Champaran, Motihari in connection with Dumariyaghat P.S.

Case No. 249 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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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