

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28766 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- BASOPATTI District- Madhubani

LALIT SAHANI Son of Late Nand Kishore Sahani Resident of village -
Marhia Kamlabari, P.S. - Basopatti, Distt. - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Basopatti
P.S. Case No. 211 of 2022 registered for the offences punishable
under Sections 272, 273, 414/34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, there is alleged recovery of
855 liters foreign liquor from nine motorcycles in question.
Name of petitioner has been transpired on the basis of
apprehended co-accused Ganit Sahani.

Learned counsel for the petitioner submits that
petitioner is in custody since 01.03.2023. Petitioner bears two
criminal antecedent out of which one case is similar in nature.



Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case. Petitioner is not apprehended on spot. On the basis of statement given by apprehended co-accused Ganit Sahani, the name of present petitioner has been transpired in this case. Except confessional statement of co-accused there is nothing on record to connect the petitioner with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) 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 Basopatti P.S. Case No. 211 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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