

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36917 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- DARBHANGA District- Darbhanga

1. LALAN SAHNI @ LALA SAHNI @ LALLA SAHNI SON OF LATE BINDESHWAR SAHNI RESIDENT OF VILLAGE- SHIVAJINAGAR WARD NO. 22, PS- NAGAR
2. DABLOO KUMAR MANDAL SON OF SOGARATH MANDAL RESIDENT OF VILLAGE- DOHI TOLA WARD NO. 14, PS- SADAR, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Town
P.S. Case No. 28 of 2023 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of total 1835.79 litre illicit liquor from the flat in question and
petitioners apprehended on spot.

Learned counsel for the petitioners submits that
petitioner are in custody since 22.01.2023 and petitioner no. 1
bears criminal antecedent of six cases in which all cases are of
similar nature and petitioner no. 2 bears criminal antecedent of



one case which is also similar to the present case and in all the cases both the petitioners are on bail. He further submits that petitioners have no concern with the alleged recovered liquor. Nothing has been recovered from the conscious possession of the petitioners. He further submits that petitioners are quiet innocent and have falsely been implicated in the case.

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

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Darbhanga in connection with Town P.S. Case No. 28 of 2023, 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) Petitioners 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 petitioners tamper 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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