

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40312 of 2023

Arising Out of PS. Case No.-325 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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DHARMENDRA SAHANI SON OF LATE VINOD SAHANI RESIDENT
OF VILLAGE- BALGUDAR, PS- LAKHISARAI, DISTRICT-
LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is an accused in connection with
Excise P.S. Case No. 325C2 of 2023 registered for the offences
under sections 30(a), 30 c of the Bihar Prohibition and Excise
Amendment Act lodged on 30.03.2023 by the informant, Vikash
Kumar.

The prosecution story, in brief, on 30-3-2023, the
informant received an information that in village Balgudar, the
petitioner and two others are in the business of manufacturing
and selling illegal liquor and for verifying the occurrence, they
proceeded toward village Balgudar. It has been further alleged
that when the police reached near river, seeing police, three
persons started fleeing, but on chase two of them were caught,



who disclosed their identity and on search, total 120 litre 'Mahua' liquor and about 'Mahua' liquor (Ghol) about 800 kg. were recovered.

It has been contended by the learned Counsel for the petitioner that alleged recovery/seizure is near the river and only because the petitioner tried to leave the place, the police implicated him in the matter and has already remained in custody since 30.03.2023 (as stated in paragraph 8 of the bail application) and do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned Counsel for the petitioner as also the alleged recovery/seizure is from the open place, is in custody since 30.03.2023 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge Vth, cum Special Excise Court-IIInd, Lakhisarai in connection with Excise P.S. Case No. 325C2 of 2023, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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