

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46264 of 2023

Arising Out of PS. Case No.-213 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Lalan Sahni son of Banti Sahani @ Banti Shani Village- Chailahan Kothi Bin
Toli, Ps- Banjariya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since
11.05.2023 in connection with Turkauliya (Raghunathpur) P.S.
Case No. 213 of 2023, F.I.R. dated 15.02.2023 for the offences
punishable under Sections 272 and 273 of the Indian Penal Code
and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise
Act, 2018.

4. Recovery is of 52 liters of country made liquor.

5. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case merely on the basis of the previous criminal antecedents. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the bank of Dhanauti River. He further submits that on the basis of the disclosure made by the local villagers, the name of the petitioner has been implicated in the present case. The petitioner is in custody since 11.05.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries 6 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in 5 cases out of 6 cases.

7. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, 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. 1, East Champaran at Motihari in connection with Turkauliya (Raghunathpur) P.S. Case No. 213 of 2023, 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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