

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63481 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- KALUAHI District- Madhubani

1. DILIP SAHNI S/O LATE RAMFAL SAHNI R/v- Muriya, P.S.- Darbhanga Sadar (Bhalpatti O.P.), District- Darbhanga
2. MANISH SAHNI @ MANISH KUMAR S/o Dilip Sahni R/v- Muriya, P.S.- Darbhanga Sadar (Bhalpatti O.P.), District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63943 of 2022

Arising Out of PS. Case No.-166 Year-2022 Thana- KALUAHI District- Madhubani

MOHAN KUMAR YADAV S/O Mahesh Yadav R/O Village- Malitol, P.S- Darbhanga Sadar (Bhalpatti O.P), District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63481 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Syed Ehteshamuddin

(In CRIMINAL MISCELLANEOUS No. 63943 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard Ld. counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in connection with Kaluahi
P.S. Case No. 166 of 2022, registered for the offences
punishable under Sections 272, 273, 34 of I.P.C. and under



Section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation total 405 liters of illicit liquor has been recovered from a vehicle bearing Registration No. BR-01PB-0196.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that petitioner, namely, Mohan Kumar is the driver of the vehicle and he was not aware of the contents of the material loaded in the vehicle.

They further submit that the petitioners have been languishing in jail since 24.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner have not moved this Court earlier either for anticipatory bail or regular one.

However, the Ld. APP for the State vehemently



opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani, in connection with Kaluahi P.S. Case No. 166 of 2022, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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