

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70259 of 2022

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

GANIT SAHANI @ GANIT SAHNI Son of Nandkishor Sahani Resident of
village - Madhiya Kamalavari, P.S.- Basopatti, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70518 of 2022

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

BINDU SAHANI S/O BHOGENDRA SAHANI @ BHOGINDRA SAHANI
Resident of village- Majarahi, P.S.- Kaluahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70259 of 2022)

For the Petitioner/s : Mr. Ganit Sahni
Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Khurshid Anwar

(In CRIMINAL MISCELLANEOUS No. 70518 of 2022)

For the Petitioner/s : Mr. Bhavesh Kumar Sah

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Basopatti P.S. Case No. 211 of 2022, registered for the
offences punishable under Sections 272, 273 and 414 of the



Indian Penal Code and Sections 30(a) and 32(3) of Bihar Prohibition and Excise Act, 2016.

As per allegation, 135 litres of liquor was recovered from the motorcycle of the petitioners.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of the petitioner

They further submit that the petitioners have been languishing in jail since 21.10.2022.

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 petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, 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 Ld. 2nd Addl. Sessions Judge cum Special Judge Excise Act, Madhubani in connection with Basopatti P.S. Case No. 211 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, Ld.



court below shall cancel the bail bonds 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, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail-bond will be cancelled by the court below.

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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