

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79504 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- MADHWAPUR District- Madhubani

1. Dev Raj Jha S/O Late Chandra Mohan Jha Resident Of Village- Panda Sarai, Police Station- Laheria Sarai, District -DARBHANGA
2. Dharmendra Sahni S/O Pachkauri Sahni Resident Of Village- Panda Sarai, Police Station- Laheria Sarai, District -DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Madhwapur P.S. Case No. 97/2023 corresponding to G.R. No. 1373/2023 registered for the offences punishable under Sections 272, 273, 414, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, on the basis of information police party proceeded towards Brahmpuri-Jankinagar road where four persons on two motorcycles were apprehended. The apprehended persons disclosed their names as Dev Raj Jha(Petitioner no. 1), Dharmendra Sahani(Petitioner no.



2), Rajesh Sahani(co-accused) and Rahul Sahani(co-accused).
On search, 90 litre of illicit liquor were recovered from two motorcycles in question.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners are not owners of the motorcycles in question. No incriminating article has been recovered from conscious possession of petitioners. Petitioners have no knowledge regarding the alleged recovery. It is further submitted that petitioners were going to do their work when the police apprehended them on the basis of suspicion. Except suspicion, there is nothing on record to connect the petitioners with the alleged occurrence. Seizure list has not been made as per law. Petitioners are in custody since 12.09.2023. Petitioners bear no criminal antecedent.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, 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 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 Additional Sessions Judge-II-cum Special Judge, Excise Act, Madhubani in connection with Madhwapur P.S. Case No. 97/2023 corresponding to G.R. No. 1373/2023, subject to the 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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