

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76991 of 2024

Arising Out of PS. Case No.-81 Year-2024 Thana- LAKHAURA District- East Champaran

MANGAL SAHANI SON OF LATE BINDLAL SAHANI @ BINDA
SAHANI RESIDENT OF VILLAGE- LAKHAURA, PURVARI TOLA, P.S. -
LAKHAURA, DISTRICT - EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Lakhaura P.S. Case No. 81 of 2024 for the offence punishable under sections 30(a), 32 and 41(i) of the Bihar Prohibition and Excise Act lodged on 21.07.2024 by the informant, Suresh Yadav.

3. As per the prosecution story, the informant alleged that upon information, the police raided the place and when the accused persons saw the Police, they tried to leave the sack and escape. From the said sack, there is recovery/seizure of 60 liters country-made liquor. The locals gave the name of the accused persons who escaped, petitioner being one of them.

4. Learned counsel for the petitioner submits that only



due to enmity, the villagers have named him, he is an aged person having no criminal antecedent and is in custody since 05.08.2024 (paragraph-13 of the petition).

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer for bail submitting that the locals have named him.

6. Taking into account the submission put forwarded by the parties as also that he do not have any criminal antecedent, nothing has been recovered from his conscious possession and is in custody since 05.08.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, East Champaran, Motihari, in connection with Lakhaura P.S. Case No. 81 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 fortnight for six months to mark his 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 the 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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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