

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90002 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- LAKHAURA District- East Champaran

1. Mukesh Sahani @ Mukesh Kumar Sahani S/O Suresh Sahani @ Suresh Sahani Resident of Village- Ajagarwa, P.S- Lakhaura, District- East Champaran.
2. Rakesh Sahani S/O Late Sonelal Sahani Resident of Village- Ajagarwa, P.S- Lakhaura, District- East Champaran.
3. Ragho Sahani S/O Sheo Sahani Resident of Village- Ajagarwa, P.S- Lakhaura, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Dilip Kr. No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2025 Heard learned counsel for the petitioners and Mr. Dilip Kr. No. 1, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable u/s 30(a), 32, 41(i) of Bihar Prohibition and Excise Act.

3. Altogether 100 liters of country made liquor is said to have been recovered from garden of co-accused person Suresh Sahani. Petitioners along with other co-accused persons succeeded in fleeing away from the place of occurrence.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No incriminating



article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or any trade of liquor. They were not apprehended on the spot and their name transpired on the basis of disclosure made by the local chowkidar. Petitioner no.1 has five criminal antecedent, petitioner no.2 has three criminal antecedent and petitioner no.3 has two criminal antecedent, all in similar nature of offence as mentioned in para 3 of the bail application.

5. Petitioner no.1 is agreed to deposit a sum of Rs.30,000.00 (Rupees Thirty Thousand), petitioner no.2 is agreed to deposit a sum of Rs.15,000.00 (Rupees Fifteen Thousand) and petitioner no.3 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in



connection with Lakhaura P.S. Case No.74 of 2024, subject to the condition as laid down under Section 482 (2) of the BNSS, 2023, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the account of Lawyers' Association Welfare Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

priyanka/-

U		T	
---	--	---	--

