

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51814 of 2015

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1. Achhalal Sahani S/o Laxmi Sahani R/o Vill Mehwa P.S. Sugauli Dist
East Champaran.
2. Sikandar Sahani S/o Banti Sahani R/o Bharihari P.S. Sugauli Dist- East
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Anil Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-12-2015

Heard both sides.

The petitioners, namely, Achhalal Sahani and
Sikandar Sahani apprehend their arrest in a case under Sections
272, 273 of the Indian Penal Code and Section 47(A) of the Excise
Act.

The police raided a village and apprehended different
persons. Suresh Sahani disclosed that he purchased country-made
liquor from Sikandar Sahani (petitioner no. 2). Similarly, Nand
Lal Sahani, from whose possession country-made liquor was
recovered, disclosed that he purchased liquor from Achhalal
Sahani (petitioner no. 1). It is submitted that neither the houses of
the petitioners were searched nor any country-made liquor was
recovered from the possession of the petitioners.

It appears from the order of the learned Sessions

Judge that Sikandar Sahani (petitioner no. 2) has got criminal antecedent and he is accused in another case of similar nature.

Having considered the fact that Sikandar Sahani (petitioner no. 2) has got criminal antecedent, I am not inclined to enlarge the above named petitioner no. 2 on anticipatory bail in Muffasil P.S. Case No. 322/13. Accordingly the same is rejected.

So far as the case of Achhalal Sahani (petitioner no. 1) is concerned, there is no criminal antecedent against Achhalal Sahani and nothing has been recovered from his possession and his name figured in the case in the disclosure made by Nand Lal Sahani, who was carrying liquor.

Considering the facts aforesaid, the above named petitioner no. 1 Achhalal Sahani, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in Muffasil P.S. Case No. 322/13, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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