

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32545 of 2017

Arising Out of PS.Case No. -17 Year- 2017 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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Saroj Sahni Son of Sahdeo Sahni Resident of Village - Nayka Tola,
Jagdishpur, P.S. - Nautan, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 14-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Paharpur P.S. Case No. 17 of 2017 instituted for the offence under Section-30(a) of Bihar Prohibition and Excise Act, 2016.

It has been submitted that the petitioner has not been apprehended on the spot. His name was disclosed by co-accused Ramesh Sahani. It has further been submitted that father of said Ramesh Sahani along with others had committed an occurrence with petitioner and his brother, for which, the petitioner has lodged Jagdishpur(Nautan) P.S. Case No. 99 of 2006 for the offence under Sections-341, 323, 324, 379/34 of the Indian Penal Code and in the background of that case, Ramesh Sahani and his family members have falsely implicated the petitioner.

In terms of Section 30(a) of Bihar Prohibition and Excise



Act, 2016, the ingredients of the offence will not apply in this case as he was not found either in manufacturing or in possession of illicit liquor. In fact, he was not present at the place of occurrence.

In such circumstances, prayer for anticipatory bail is allowed it is ordered that the petitioner named above, in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Paharpur P.S. Case No. 17 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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