

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 37495 of 2018

Arising Out of PS. Case No.-78 Year-2018 Thana- Harsidhi District- East Champaran

Vikash Sahani, Son of Mishrilal Sahani, resident of Village- Damovriti, P.S.-
Harisidhi, Dist.- East Champaran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Nand Kishore Pd

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 03-07-2018 Heard Sri Kundan Kumar, learned counsel for the
petitioner and Sri Nand Kishore Prasad, learned Addl. Public
Prosecutor.

The sole petitioner, apprehending his arrest in
Harsidhi P.S. Case No. 78 of 2018 registered for offence under
Sections 30(a)/45 of Bihar Prohibition and Excise Act, 2016,
has prayed for grant of anticipatory bail.

Learned counsel for the petitioner, at the very outset
has drawn my attention to statement made in paragraph – 3 of
the petition to show that petitioner is having clean antecedent. It
has also been argued that petitioner in the present case has been
made accused on the basis of confessional statement of co-
accused. He submits that it is a peculiar case, in which, father of
the petitioner, who was arrested, was held to have disclosed the



name of the petitioner as one of the associate of the case. He submits that it is true that from the house of father of the petitioner, huge quantity of foreign liquor and country-made liquor were recovered, but petitioner was residing separately.

Learned Addl. Public Prosecutor has vehemently opposed the prayer for grant of anticipatory bail.

However, on examination of the material on record, the Court is of the opinion that it is difficult to perceive that a father can implicate his son as accused in such type of offence. Moreover, the Court is in agreement with the submission of learned counsel for the petitioner that there is possibility that the police officer, who is informant in the present case, after arresting father of the petitioner has put his own words into the mouth of his father.

Be that as it may, considering the nature of accusation and clean antecedent of the petitioner, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner namely Vikash Sahani 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 learned 4th Addl. Sessions Judge cum Special Judge Excise, Motihari, East Champaran in connection with Harsidhi P.S. Case No. 78 of



2018, subject to condition as laid down under Section 438(2) of
the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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