

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21310 of 2019

Arising Out of PS. Case No.-346 Year-2017 Thana- SUGAULI District- East Champaran

HRIDYA SAHANI Son of Deoki Sahani Resident of Village - Mehawa, P.S.-
Sugauli, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanhaiya Pandey
For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 5 litres of country made liquor were recovered from the backyard of the house of co-accused Kailash Sahni. It is further alleged that two persons, namely, co-accused Dharni Sahni and Awadhesh Sahni were apprehended on the spot who disclosed the name of the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the conscious physical possession of the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any



criminal antecedent.

Learned APP submits that the name of the petitioner sprang up in the confessional statement of the apprehended co-accused.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ -cum-Special Judge, Excise, Motihari, East Champaran in connection with Sugauli P.S. Case No.346 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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