

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19395 of 2019

Arising Out of PS. Case No.-858 Year-2018 Thana- TURKAULIYA District- East
Champaran

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OM PRAKASH SAHANI @ OM PRAKASH KUMAR Son of Ashok Sahani
Resident of Village - Chilwaniya ward no. 12, P.S.- Banjariya, District - East
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ahtasham Ali Khan

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Sections 30(a),38(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on 25.12.2018 the informant being Inspector of Police, received a secret information that co-accused Nanhki Sahani, Manoj Bhagat and the petitioner Om Prakash Sahani and others have stored illicit liquor in two rooms of an old house. The owner of the house in question is Jammi Singh and laid a raid and from the said two rooms, total 69.420 litres of foreign liquor were recovered.

It is submitted by learned counsel for the petitioner that the



recovery has not been made from the conscious physical possession of the petitioner. It is further submitted that the petitioner is accused in one other case under the Excise Act in which he is on bail.

Learned APP submits that the informant received secret information that the petitioner and others have stored liquor at the place of seizure.

Considering the fact that recovery has been made from the house of co-accused Jammi Singh and the fact that there is no material on record to suggest that the place of recovery was in possession of the petitioner, 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 7th Additional Sessions Judge-cum-Special Judge, Excise Act, East Champaran at Motihari in connection with Turkauliya (Banjaria) P.S. Case No. 858 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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