

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73989 of 2018

Arising Out of PS. Case No.-837 Year-2018 Thana- MOTIPUR District- Muzaffarpur

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1. Manoj Sahani, S/o Late Ramadhar Sahani,
 2. Sohan Sahani, S/o Raghunath Sahani,
 3. Hiralal Sahani, S/o Bhawikshan Sahani, All are R/o Village- Gehuwa Chak,
P.S.- Motipur, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi

For the Opposite Party/s : Sri Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-01-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the self statement of SHO, Motipur Police Station dated 23.9.2018 at 6.45 A.M. is to the effect that the informant received a secret information that the petitioners have brought foreign liquor and have kept the same on the embankment of river Gandak. Thereafter, raid was laid, in course of which, 135 illicit foreign liquor was recovered from the embankment of the river. It is further alleged that the local people named the petitioners and other accused persons who



used to deal with the liquor.

It is submitted by learned counsel for the petitioners that the accusation has been levelled only on suspicion. It is further submitted that the recovery has not been made from the petitioners which is sine qua non for the institution of case under the provision of the Bihar Prohibition and Excise Act, 2016.

Learned APP submits that the petitioners are named in the FIR since the police was informed that the accused persons have stored the liquor.

Considering the fact that actual recovery has not been made from the petitioners, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No.837 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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