

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71515 of 2018

Arising Out of PS. Case No.-485 Year-2018 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Vikash Sahani, Son of Ram Vilash Sahani, Resident of Village- Korbddha,
P.S.- Samastipur Mufassil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma
For the Opposite Party/s : Mr. Manoj Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-01-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Sections 47, 30(a) and 36 of the Bihar Prohibition and Excise Act (hereinafter referred to as 'the Act').

The prosecution case is that from a truck, 575 bottles, containing total 431.25 litres of foreign liquor were recovered, when the driver and cleaner of the truck were apprehended, who disclosed that the liquor belongs to Arun Sahni and it was to reach to the petitioner, being the brother-in-law of Arun Sahni.

It is submitted by learned counsel for the petitioner that there is no recovery from the petitioner, hence Section 30(a) of



the Act is not made out against the petitioner, whereas Section 36 of the Act deals with the penalty for dealing with spurious liquor, and in the present case, no spurious liquor has been seized from the petitioner, hence, Section 36 of the Act is also not made out against the petitioner. Section 47 of the Act deals with the penalty for allowing the premises to be used for commission of offence, but there is no such accusation against the petitioner, hence Section 47 of the Act is also not made out against the petitioner. It is further submitted that the name of the petitioner sprang up on the confessional statement of apprehended accused persons and similarly situated accused, Arun Sahani has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 71987 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended accused persons.

Considering the fact that no recovery has been made from the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender



before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-III-cum-Special Judge, Excise, Samastipur in connection with Samastipur Mufassil P.S. Case No. 485 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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