

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40844 of 2019

Arising Out of PS. Case No.-148 Year-2019 Thana- TURKAULIYA District- East
Champaran

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Harendra Sahani, son of Krishna Sahani Resident of Village- Sorahi, P.S.-
Turkaulia, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar
For the Opposite Party/s : Mr.Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Turkaulia P.S. Case No.148 of 2019 for the offence punishable
under Sections 272, 273, 34 of the Indian Penal Code and
Section 30(a), 38(i), 41(i) of Bihar Excise and Prohibition Act,
2016.

The prosecution story is that the police upon secret
information that one Nijamuddin and Mirajul who are engaged
in liquor business has brought huge amount of spirit with the
help of the petitioner, Harendra Sahni, who has kept the same
near Dhanwati river. The police upon raid recovered the illegal
spirit having total quantity of about 2400 litres situated west to



the house of Harendra Sahni.

Learned counsel for the petitioner submits that from perusal of the First Information Report, it is apparent that illegal liquor does not belong to the petitioner and police got the information that liquor trader, namely, Nijamudin and Mirujul has got huge quantity of spirit and has kept it with the help of petitioner in Dhanwati river. He further submits that the spirit, in question, has not been recovered from the house or the conscious possession of the petitioner but the same has been recovered from the river which is flowing outside the house of the petitioner. The petitioner has got no criminal antecedent and upon perusal of the First Information Report, no prima facie case is made out against the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact it is evident that the recovery of spirit has not been made from the house or the possession of the petitioner and the said quantity of spirit has been recovered from the river outside the house of the petitioner. From perusal of the First Information Report, no prima facie case is made out against the petitioner. As such, I am inclined to grant anticipatory bail to the petitioner.



Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, the petitioner shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned IXth Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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