

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43553 of 2019

Arising Out of PS. Case No.-431 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. Ram Babu Sahni, Aged about 40 years, Male, Son of Lahwar Sahni, Resident of village- Jhakhia, P.S.- Banjariaya, Dist.- East Champaran.
 2. Pravesh Sahni, Aged about 35 years, Male, Son of Dasai Sahni, Resident of village- Jhakhia, P.S.- Banjariaya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-07-2019 Heard both sides.

Petitioners apprehend their arrest in Excise Case No.431 of 2019, registered under Section 30(a) of the Bihar Prohibition and Excise Act.

The recovery was made from the bank of the river but the excise officials implicated the petitioner on the allegation that the petitioners managed to flee away.

Learned counsel for the petitioners submits that petitioners had no no manner of concern with the liquor recovered from the bank of the river. Petitioner no.1 has got no criminal antecedent but petitioner no.2 is also an accused in Turkauliya (Banjariya) P.S. Case No.405 of 2016, registered



under Section 30(a) of the Excise Act.

Taking into consideration the fact that petitioner no.1 has got no criminal antecedent, let petitioner no.1, namely, Ram Babu Sahni, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 9th Additional Sessions Judge-cum-Special Judge, Excise, East Champaran, Motihari in connection with Excise Case No.431 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

So far as the case of petitioner no.2, namely, Pravesh Sahni is concerned, he has got criminal antecedent, I am not inclined to enlarge the petitioner no.2 on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.2 is rejected.

(Prabhat Kumar Jha, J)

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