

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45112 of 2019

Arising Out of PS. Case No.-65 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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1. KUNWAR SAHANI, Son of Harihar Sahani
 2. Jhulan Sahani Son of Chanar Sahani
Both Residents of Village - Semuapur, P.S.- Dumariyaghat, District - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-07-2019 The petitioners apprehend their arrest in connection with
Dumariyaghat P.S.Case No. 65 of 2019 registered under
Sections 272 and 273 of the Indian Penal Code and 30(a) of the
Bihar Prohibition and Excise Act (hereinafter referred to as the
'Act').

Allegation against the petitioners, as per the FIR, is that
police party, during the course of raid, apprehended one person
who disclosed his name as Sukhari Paswan and further
disclosed the names, who allegedly succeeded in fleeing away,
i.e., petitioners. The police recovered 03 litres country made
liquor kept in a gallon.

Learned counsel for the petitioners submits that



petitioners are innocent and have not committed any offence in the manner alleged and they have no criminal antecedents. Learned counsel further submits that names of the petitioners have been disclosed by co-accused and no recovery of any illicit liquor has been made from their conscious possession or premises of the petitioners. He, thus, submits that no *prima facie* case under the Act is made out against the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery has been made from the conscious possession or premises of the petitioners and further their names have been disclosed by the arrested co-accused, accordingly, upon perusal of the FIR as well as seizure list, no *prima facie* case is made out against the petitioners as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned 9th Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran in connection with Dumariyaghat P.S. Case No. 65 of 2019; subject to condition as



laid down under Section 438(2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

sujit/-

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