

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53282 of 2019

Arising Out of PS. Case No.-143 Year-2019 Thana- RAJAPAKAR District- Vaishali

SANTOSH SAHANI @ SANTOSH KUMAR SAHANI S/o Kamal Sahni
Resident of Village- Randaha, P.S.- Rajapakar (Baranti O.P.), District-
Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Ms.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Raja Pakar Police Station Case No. 143 of 2019,
disclosing offences under Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that while on the basis of a secret
information, the police raided the house of the petitioner and
recovered 20 litres of illicit liquor from a hut situated behind the
house of the petitioner along with some equipment for making
illicit liquor.

Learned Counsel for the petitioner submits that the



petitioner has got no criminal antecedent and has falsely been implicated in this case with oblique motive. He further submits that from perusal of the First Information Report and the seizure list, it is evident that illicit liquor and equipment have not been recovered from inside the house of the petitioner and the same has been recovered from a hut, situated behind the house of the petitioner in open space. He, accordingly submits that no illicit liquor or equipment has been recovered from the conscious possession of the petitioner or the premises belonging to the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has not been recovered from the premises and inside the house of the petitioner and further it has been recovered from a hut, situated outside the house of the petitioner and that the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Santosh Sahani @ Santosh Kumar Sahani, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Vaishali, at Hajipur, in connection with Rja Pakar Police Station Case No. 143 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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