

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55551 of 2019

Arising Out of PS. Case No.-268 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Vishwanath Sahani (Male- 27 years), Son of Satahu Sahani, Resident of
Village- Bangra Nijamat, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Sahebganj P.S. Case No. 268 of 2019 registered under Sections 272, 273 of IPC and under Sections 30(a)(d)(g)/41(1) of Bihar Prohibition and Excise Act 2016.

The allegation against the petitioner, as per the first information report, is that the police on a secret information that three persons namely Rajesh Sahani, Harnal Sahani and Surat Sahani had set up a wine factory proceeded towards the place of occurrence and raided the premises of aforesaid three persons and recovered total quantity of 65 liters from their land and equipment for preparing country made liquor. Also, the name of the petitioner has been disclosed by the Chotan Rai and Babu



Lal Mukhiya, who were apprehended by the police.

Learned counsel appearing for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in this case on the basis of statement made by the co-accused inasmuch as from perusal of the first information report, it would be evident that even on secret information, received by the police, the name of the petitioner was not there. Learned counsel further submits that from perusal of the seizure list and from perusal of the first information report, it would be evident that illicit liquor has been recovered from premises belonging to three other persons, not from the conscious possession or premises of the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that the name of the petitioner has been disclosed by the arrested co-accused and further the petitioner has got no criminal antecedent and no illicit liquor has been recovered from the conscious possession or the premises hold by the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today 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 the learned Spl. Judge Excise Muzaffarpur in connection with Sahebganj P.S. Case No. 268 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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