

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55603 of 2019

Arising Out of PS. Case No.-248 Year-2019 Thana- MOTIPUR District- Muzaffarpur

1. Pawan Sahani @ Pawan Kumar Sahani, Son of Ram Chandra Sahani Resident of Village- Kalyanpur Harauna, P.S.- Motipur, District- Muzaffarpur.
2. Jamun Sahni @ Janun Sahni Son of Dayaram Sahni, Resident of Village- Kalyanpur Harauna, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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

Petitioners apprehend their arrest in connection with Motipur P.S. Case No.248 of 2019 for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a), 38(1), 41(1) of Bihar Prohibition & Excise Act, 2016.

The allegation against the petitioners is that police on secret information that some persons were indulged in selling of spirit near Harauna Ghat, proceeded towards place of occurrence and upon seeing the police party, two persons started fleeing away and were identified in the light of jeep as petitioners, however, police recovered a total quantity of 200



litres of spirit from heap of chaff.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in this case merely on the basis of some information inasmuch as no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioners. Learned counsel further submits that from perusal of the First Information Report and seizure list, it would be evident that illicit spirit was recovered from heap of chaff not from the premises owned by the petitioners.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the premises owned by the petitioners, as such, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction



of learned Special Judge, Excise, Muzaffarpur, subject to the
condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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