

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65297 of 2019**

Arising Out of PS. Case No.-123 Year-2019 Thana- HATHAURI District- Muzaffarpur

1. Binod Sahni @ Vinod Sahni (male), aged about 42 years, Son of Ramchandra Sahni @ Chandar Sahni, Resident of Village- Baluaha, P.O. Sahila Rampur, P.S.- Hathauri, District- Muzaffarpur.
2. Manoj Sahni (male), aged about- 40 years, Son of Ramchandra Sahni @ Chandar Sahni, Resident of Village- Baluaha, P.O. Sahila Rampur, P.S.- Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.

For the Opposite Party/s : Mr .Raj Ballabh Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      05-11-2019                      Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Hathauri P.S. Case No. 123 of 2019 registered under sections 272, 273 of Indian Penal Code and Section 30(a), 38(i) (ii) of Bihar Prohibition and Exscise Act, 2016.

The allegation against the petitioners is that the police has recovered a total quantity of 9 liter of illicit liquor from the room of the petitioners situated near the hand pump.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch from perusal of the first information report itself it would be evident that a total quantity of 9 liter of illicit liquor



has been recovered from the hut situated outside of the house of the petitioners. Learned counsel further submits that the petitioners have got no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioners or premises belonging to the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that from perusal of the first information report and the seizure list it is evident that the illicit liquor has been recovered from the room belonging to the petitioners, in view of Full Bench decision, passed in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to exercise my discretion to grant anticipatory bail.

This application is, accordingly, dismissed.

However, if the petitioners surrender before the Court below within a period of 15 days from today and seek regular bail, learned Court below may consider their application for regular bail on the same day without being prejudiced by the fact that the application for anticipatory bail has been dismissed by this Court.

**(Anil Kumar Sinha, J)**

Anjula/-

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