

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71278 of 2019

Arising Out of PS. Case No.-117 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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RAVI SAHNI @ SHIVMANGAL SAHANI Son of Ramjatan Sahani @
Shivmangal Sahni Resident of Village - Chhajan, P.S.- Kurhani (Turki O.P.),
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends arrest in connection with **Excise**
Case No. 117 of 2019 instituted for the offence under Section(s)
30(a) of the Bihar Prohibition and Excise Act, 2016.

The petitioner apprehends his arrest on account of
recovery of 2615.400 liters of illicit liquor. Referring to the
seizure memo and the First Information report, petitioner's
counsel submits that there is no basis for implication of the
petitioner. Even as per the case of the informant that he had
received secret information, there is no mention that he had
been informed about the petitioner's complicity in the offence.
The recovery is also as per seizure memo from an open place



near the old “*Pokhar*” and not from the house or premises owned by the petitioner. It is, under such circumstances, submitted that the petitioner’s name has merely been added in the offence without any basis. The admitted position even as per the case of the prosecution is that petitioner was not even present at the place of occurrence where the recovery is said to have been made. Prior to the instant case also the petitioner has no criminal antecedents. It has further been submitted that in view of the submissions implication of the petitioner is without any basis whatsoever and no case whatsoever could be made out against the petitioner on account of the recoveries allegedly made.

The learned APP for the State has opposed the prayer for anticipatory bail referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act.

For the limited purpose of grant of bail, this Court is inclined to accept the submissions of counsel for the petitioner.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four (04) weeks from today, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of the **Spl. Judge Excise Act, Muzaffarpur**, in connection with **Excise Case No. 117 of 2019, arising out of P.R. No. 24 dated 19.02.2019**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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