

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69257 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- KHODAWANDPUR District- Begusarai

RAMBRIKSH SAHNI S/O Ramashish Sahni R/O Village- Biduliya, P.S.-
Khodabandpur, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Yogesh Kumar
For the Opposite Party : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehend his arrest in connection with
Khodabandpur P.S. Case No. 154 of 2019 instituted for the
offence under Section(s) 30(a) and 30(c) of the Bihar Excise
(Prohibition)Amendment Act, 2016 and Sections 272 and 273 of
the IPC..

The prosecution case alleges recovery of 9 liters of
Mahua wine and utensils used for preparing the same from the
river bank.

It is submitted that allegation has been levelled against
the petitioner by the village *Chowkidar* that it was this person
who is said to have been fleeing from the place from where the
recoveries were made. Merely by such implication,



subsequently, he has been dragged in the instant case. No recovery, whatsoever, has been made from his person or at his instance. There is nothing on record to connect him with the occurrence other than the statement of village *Chowkidar*. It is further highlighted that the offence under the Prohibition and Excise Act is not made out.

The petitioner has no criminal antecedent as per averments made in para 3 of the petition.

The learned APP for the State has opposed the prayer for bail by submitting that the petitioner has fled away from the spot and, therefore, cannot be shown his participation in the preparation of *Mahua* wine.

This Court is inclined to accept the submissions of the petitioner's counsel for the limited purpose of anticipatory bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner before the court below, named above, 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 **Special Judge, Excise Act, Begusarai**, in connection with **Khodabandpur P.S. Case No. 154 of 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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