

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69866 of 2019

Arising Out of PS. Case No.-177 Year-2019 Thana- PAKRIDAYAL District- East Champaran

1. Ramdev Sahani, aged about 42 years, Male, Son of Baidnath Sahani, Resident of Village- Jagatiya, P.S.- Pakaridayal, District- East Champaran.
2. Pratap Sahani, aged about 32 years, Male, Son of Baidnath Sahani, Resident of Village- Jagatiya, P.S.- Pakaridayal, District- East Champaran.
3. Anil Sahani, aged about 26 years, Male, Son of Babulal Sahani, Resident of Village- Jagatiya, P.S.- Pakaridayal, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anuj Kumar, Adv.

For the Opposite Party : Mr. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Pakaridayal P. S. Case No. 177 of 2019, registered for the offence punishable under Section 30(A) of the Bihar Excise and Prohibition Act, 2016.

Police having got confidential information made raid and recovered illicit liquor. Police claimed that petitioners were selling illicit liquor and managed to escape from there, when hut was raided.

Submission on behalf of the petitioners is that alleged



recovery has not been made either from possession or from house of the petitioners. Moreover, there is nothing in the FIR to show who disclosed the name of the petitioners.

Although, anticipatory bail petition for the offence under the provision of excise act is not maintainable but in view of the aforesaid submission, it appears that prima facie no offence of excise act is made out against the petitioners and, accordingly, this anticipatory bail petition is allowed and it is ordered that the petitioners, above named, in the event of their arrest/surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, East Champaran, Motihari in connection with Pakaridayal P. S. Case No. 177 of 2019, subject to conditions as laid down under Section 438(2) of the CrPC.

(Hemant Kumar Srivastava, J)

Rajeev Kumar/-

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