

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78767 of 2019

Arising Out of PS. Case No.-438 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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1. SATYA DEVI Wife of Santosh Sahani Resident of Village - Balbanwa, Sahni Tola, P.S. - Motihari Town, District - East Champaran, Bihar
 2. Foolmati Devi Wife of Chattu Sahani Resident of Village - Balbanwa, Sahni Tola, P.S. - Motihari Town, District - East Champaran, Bihar
 3. Chattu Sahni @ Chhthu Chaudhary Son of Late Raghubir Sahani Resident of Village - Balbanwa, Sahni Tola, P.S. - Motihari Town, District - East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Pankaj, Adv & Mr. Pratyush Kumar, Adv

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 03-12-2019 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Informant who is police officer in his self statement has stated that he received a complaint that Santosh Sahani is running the business of illicit liquor from his house and thereafter he raided his house from where two persons managed to flee away and from his house 24 litres of country made liquor and 1 kg of Mahua kept in a plastic was recovered. It is further



alleged that son of petitioner no. 3 namely Sachin Kumar disclosed that his elder brother, sister-in-law, mother Foolmati Devi and his father all are indulged in trade of illicit liquor.

It has been submitted on behalf of the petitioners that nothing has been recovered from the possession of the petitioners and they have not been apprehended at the spot as such offence under Excise Act is not made out against the petitioners. Petitioners have got no criminal antecedent and have been falsely implicated in this case without any basis.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above in the event of their arrest or surrender before the court below within a period of four weeks, be released on anticipatory bail upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with **Motihari Twon P.S. Case No. 438 of 2019**, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(S. Kumar, J)

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