

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8430 of 2020

Arising Out of PS. Case No.-313 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

SHRAVAN SAHNI Son of Raja Ram Shahni Resident of Village - Baghopur,
P.S.- Rosera, Dist.- Samastipur, Present residing of Address- A-2/4 Aryan
Nagaer, Near Bino Sani, Tati Band, P.S.- Sarona, Dist.- Raipur, Chhattisgarh -
492099

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirtunjay Kumar
Mr. Praveen Kumar
For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Excise Case no.
313/2018 registered under section 30(a) of the Bihar Prohibition and
Excise Act.

From cookery shop allegedly owned by the petitioner
prosecution alleges recovery of 20 liters country made liquor.

Petitioner's counsel submits that prosecution case is false.
Admittedly, he was not present at the time of alleged recovery.
Commercial premise is access of general public and therefore,
petitioner's implication cannot be ruled out and he cannot be held
responsible for any recovery if at all has been made from the premise
in question.



It is also asserted that no case whatsoever has been made out against the petitioner under Bihar Prohibition and Excise Act.

Learned A.P.P. opposes the prayer by referring to section 76(2) of the Act.

Considering the rival submissions for limited purpose of anticipatory bail, this court is inclined to accept the submission of counsel for the petitioner. Application is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge II-cum- Special Judge Excise, Samastipur in Excise Case no. 313/2018 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) 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.

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

s.hassan/-

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(Madhuresh Prasad, J)

