

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8974 of 2020

Arising Out of PS. Case No.-260 Year-2019 Thana- BAHADURPUR District- Darbhanga

BISHNU SAHNI S/o Upendra Sahni Resident of Village- Ammadih, P.S.-
Bahadurpur, Distt- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Bahadurpur PS case no. 260 of 2019 registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 5.880 liters
of illicit liquor from possession of the co-accused person namely
Sunil Kr. Chaudhary, who upon interrogation, disclosed that the
petitioner is his accomplice.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case and is having a clean antecedent. It is further
submitted that admittedly, the illicit liquor has been recovered



from the possession of the co-accused person and not from the petitioner herein, hence the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted against the petitioner.

Having regard to the facts and circumstances of the case, considering submissions made by the learned counsel for the petitioner as also taking in account the fact that *prima facie*, no case is made out as against the petitioner herein under the provisions of the Bihar Prohibition and Excise Act, 2016, upon a bare perusal of the FIR, as far as consideration of the present petition is concerned, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Excise Act, DArbhanga in connection with Bahadurpur PS case no. 260 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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