

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9083 of 2020

Arising Out of PS. Case No.-342 Year-2019 Thana- KARJA District- Muzaffarpur

SURESH SAHANI Son of Late Vilash Sahani Resident of Village-
Badkagaon, P.S.-Karja, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

The petitioner apprehends his arrest in connection with
Kajra P.S. Case No. 342 of 2019 for the offence registered under
Sections 272, 273 and 34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of huge quantity of
illicit liquor from a truck and it is alleged that the accused persons
were unloading the illicit liquor from the truck in question and
loading on a magic van.

The learned counsel for the petitioner has submitted that
the petitioner is innocent, he has been falsely implicated in the
present case and is having a clean antecedent. By referring to
paragraph no. 9 of the present petition, it is submitted that the
petitioner is neither the driver nor the owner of the alleged truck or
the van in question, hence admittedly no recovery of the illicit



liquor has been made either from the conscious possession of the petitioner or from the vehicle, hence the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted.

The learned A.P.P. for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and upon a bare reading of the FIR, I find that *prima facie* no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as his case for grant of anticipatory bail is concerned.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzffarpur in connection with Kajra P.S. Case No. 342 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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