

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11553 of 2020

Arising Out of PS. Case No.-89 Year-2019 Thana- MADHWAPUR District- Madhubani

1. Jagdish Sahani, male age about 25 years son of Kishori Sahani
 2. Roshan Sahani, male aged about 22 years son of Late Hirai Sahani
 3. Rahul Sahani Male aged about 19 years son of Nagendra Sahani
- All are resident of Village - Brahmpuri Ward No.04, Police Station-
Madhwapur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mrs. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-06-2020 Heard Mr. Sanjay Kumar Jha , learned counsel for the

petitioners and Mrs. Renu Kumari, learned Additional Public

Prosecutor appearing for the State through video conferencing.

Learned counsel for the petitioners submits that
during the pendency of this anticipatory bail application, the
petitioner no. 2 namely, Roshan Sahani has been arrested, and as
such, his application has become infructuous. Accordingly, he
seeks permission to withdraw this application against petitioner
no. 2.

Permission is accorded.

Accordingly, this anticipatory bail application against
petitioner no. 2 is dismissed as withdrawn.

Petitioner nos. 1 and 3 apprehends their arrest in
connection with Madhwapur P.S. Case No. 89 of 2019
registered for the offence punishable under Section 272/ 273 of
the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise



Act, 2016.

The allegation against the petitioners as per the First Information Report is that S.S.B. personnels intercepted five persons riding on four motorcycles and recovered a total quantity of 2862 liters of Nepali (Sofi) country made liquor from the said motorcycles. It has further been alleged that out of five accused persons, four persons succeeded in fleeing away and one Dharmendra Roy was arrested, who disclosed the name of the petitioners and others.

Learned counsel for the petitioners submits that petitioners are not the owner of the motorcycles from which illicit wine has been recovered. Learned counsel further submits that no illicit liquor has been recovered from the conscious possession of the petitioners or from the vehicles belonging to them. Learned counsel further submits that petitioners have got no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the vehicles belonging to the petitioners, I am inclined to grant anticipatory bail to petitioner nos.1 and 3.

Accordingly, in the event of arrest or surrender before



the court below within six weeks from today, petitioner nos. 1 and 3 namely, Jagdish Sahani and Rahul Sahani respectively shall be released on anticipatory bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned IInd Additional Sessions Judge -cum-Special Judge, Excise Act, Madhubani in connection with Madhwapur P.S. Case No. 89 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure on the following conditions:-

(i) that one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners.

(ii) that the petitioners will be well represented on each and every date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

praful/-

(Anil Kumar Sinha, J)

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