

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16525 of 2020**

Arising Out of PS. Case No.-334 Year-2019 Thana- RIGA District- Sitamarhi

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GANDHI SAHANI Son of Ratan Sahani Resident of Village - Pakari, P.s.-
Riga, Dist.- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar,Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-06-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking anticipatory
bail in connection with Riga P.S. Case No. 334 of 2019 registered
for the offences punishable under Section 30(a) of Bihar
Prohibition & Excise Act 2016.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel submits that the name of the
petitioner has transpired in the confessional statement of the co-
accused namely Ram Bahadur Sahni and he has no criminal
antecedent.

Learned APP for the State has opposed the prayer for
anticipatory bail of the petitioner.



Considering the facts and circumstances of the case wherein, this Court has noticed from the First information report that the informant who is the officer-in-charge of the police station has alleged that he proceeded to the mango orchard of one Ram Chandra Sahni on secret information that illicit liquors are being sold by some of the persons including this petitioner but when he reached there four accused persons including this petitioner fled away taking advantage of the sugarcane field and darkness during dead of night but later on, the name of this petitioner has been brought along with other co-accused and it has been claimed that they were identified by the *chaukidar*, the self-conflicting statements in the FIR and the fact that the petitioner has no criminal antecedent, there being no other independent material to connect the petitioner at this stage, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Riga P.S. Case No. 334 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge, Excise Act, Sitamarhi, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

