

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17366 of 2020

Arising Out of PS. Case No.-124 Year-2019 Thana- VIDYAPATINAGAR District-
Samastipur

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CHENARI SAHANI @ CHANDESHWAR SAHANI Son of Shankar Sahani
Resident of Village - Babhangama Ward no.- 2, P.S.- Vidayapatinagar
(Ghatho), District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh
For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-06-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor representing the State, through

Video Conferencing.

This application for grant of anticipatory bail arises
out of Vidyapati Nagar (Ghatho) Police Station Case No. 124 of
2019, disclosing offence under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the
Act’).

The allegation against the petitioner, as per the First
Information Report, is that the police, on the basis of secret
information, proceeded towards the place of occurrence and
recovered 03 litres of illicit country-made liquor near a tree
situated in village Bamangawa.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of the confessional statement made by arrested co-accused person. He further submits that the petitioner has got no criminal antecedent and no illicit liquor has been recovered from his conscious possession or the premises belonging to him. He, thus, submits that from perusal of the First Information Report and the seizure list, no *prima facie* case is made out under the provisions of the Act.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur, in



connection with Vidyapati Nagar (Ghatho) Police Station Case
No. 124 of 2019, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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