

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20140 of 2020

Arising Out of PS. Case No.-287 Year-2019 Thana- SONBERSA District- Sitamarhi

Manoj Sahni Son of Shital Sahni Resident of Village- Janki Nagar, P.S.-
Sonbarsa, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.
For the Opposite Party/s : M/s. Pronoti Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 18-08-2020 Defect, as pointed out by the office, be ignored.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner apprehends his arrest in connection with
Sonbarsa P.S. Case No. 287 of 2019 registered for the offences
punishable under Section 414 of the Indian Penal Code and
Sections 30(a), 38, 41, 42, 44 of Bihar Prohibition and Excise
Act, 2016.

Admittedly, neither petitioner was caught on the spot
nor anything was recovered from his conscious possession and
the name of petitioner was disclosed by one Afroj Mansoori
who was caught on the spot. It is also an admitted position that



alleged recovery was made from a Tata Sumo vehicle.

Submission on behalf of the petitioner is that no case of Excise Act is made out against the petitioner because there is nothing in the first information report to show that petitioner was involved in carrying the seized liquor and moreover, petitioner does not have any criminal antecedent. Learned counsel of the petitioner further submits that having more or less similarly situated fact, one co-accused Ranjeet Sahni has already been granted privilege of anticipatory bail by a co-ordinate Bench of this court.

On the other hand, learned Additional Public Prosecutor opposed the prayer submitting that petition under Section 438 of the Cr.P.C. is not maintainable in the cases registered for the offences of Bihar Prohibition and Excise Act, 2016.

Since nothing has been recovered from conscious possession of the petitioner and there is nothing in the first information report to show that petitioner was involved in trade of liquor and taking note of this fact that having more or less similarly situated fact, one co-accused has already been granted privilege of anticipatory bail, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his



arrest/ surrender within eight weeks from today, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd cum Special Judge, Excise Act, Sitamarhi in Sonbarsa P.S. Case No. 287 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

shahzad/-

U		T	
---	--	---	--

