

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26290 of 2020**

Arising Out of PS. Case No.-382 Year-2019 Thana- SARAIYA District- Muzaffarpur

BHUSHAN SAHNI S/o Ramjanam Sahni Resident of Village-Chorkariya,
P.S.-Kudhani (Turki O.P.), District-Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 26-11-2020 The learned counsel for the parties were heard yesterday at length and the instant case has been listed today “For Orders”.

The petitioner apprehends his arrest in connection with Saraiya P.S. Case No. 382 of 2019 for the offence punishable under Sections 272, 273, 414, 420, 120(B) of the Indian Penal Code, under sections 30(a), 32(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The case of the prosecution in brief, according to the informant, is that on 12.06.2019 one Praveen Kumar Pandey was arrested with his accomplice and in his confessional statement, he had disclosed that the petitioner and other accused persons were transporting a truck loaded with illicit liquor, which was standing in between Manikpur chowk and Bakhra



chowk. It is further alleged that on the basis of the said information, search was made and a truck was found standing at the alleged place of occurrence, whereupon the driver of the truck namely Chandan Verma was arrested and huge quantity of illicit foreign liquor totalling to 5313.960 litres was seized. It is also alleged that the said driver, who was apprehended on the spot, upon interrogation, had disclosed that the petitioner and other accused persons had requisitioned the illicit liquor and on their instructions, the truck had been parked at the said place of occurrence.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has got no connection either with the seized truck or with the seized illicit liquor and in fact, he is a student of M.A., who is preparing for competitive examinations. It is also submitted that there is no material to connect the petitioner either with the alleged occurrence or with the illicit liquor recovered from the truck in question, except suspicion.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by



the petitioner.

Having considered the submissions advanced by the learned counsel for the parties, having perused the materials on record and having gone through the case diary, this Court finds that there is miniscule evidence qua the petitioner herein, which has transpired during the course of investigation, thus prima facie, the petitioner does not appear to be having any complicity in the alleged occurrence, therefore, apparently no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, as far as consideration of the present anticipatory bail petition is concerned, thus, the bar under section 76(2) of the Act, 2016 shall not be an impediment for grant of anticipatory bail to the petitioner herein, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Saraiya P.S. Case No. 382 of 2019, subject to the



conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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