

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23288 of 2020

Arising Out of PS. Case No.-58 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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1. TRIVENI SAHNI, Son of Sitaram Sahni, Resident of Village - Kothiya, P.S.- Kanti, District - Muzaffarpur.
 2. Dinesh Sahni, Son of Deodhari Sahani, Resident of Village - Kothiya, P.S.- Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-10-2020 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in connection with Excise Case No. 58 of 2020, arising out of Prosecution Report No. 03 of 2020, for the offence under Section 30(a), (c) of the Bihar Prohibition & Excise Act, 2016.

In the instant case 20 litres of country made liquor and 150 Kg. Gur was seized.

Learned counsel for the petitioners submits that petitioner no.2 has got no criminal antecedent whereas petitioner no.1 is also accused in other case. He further submits that nothing was recovered from the possession of the petitioners, but the liquor and Gur was seized from Kodhiya



Bandh.

Considering the fact that liquor and Gur was seized from Kodiya Bandh and not from the conscious possession of the petitioners, the petitioners named above, in the event of arrest or surrender before the court below within one month from the date of communication of this order, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 58 of 2020, arising out of Prosecution Report No. 03 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the further condition that **each** of the petitioner shall deposit Rs.25,000/- (Twenty five thousand) cash in the court below and the same shall be abide by the final outcome in the trial i.e. if the petitioners are acquitted the amount of Rs.25,000/- shall be refunded in favour of the petitioners, otherwise it shall be forfeited.

(Anil Kumar Upadhyay, J)

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