

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71701 of 2019

Arising Out of PS. Case No.-207 Year-2019 Thana- PUPRI District- Sitamarhi

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1. CHANDAN SAHNI Son of Biltu Sahni Resident of Village- Bhakurhiya, P.S.- Pupri, District- Sitamarhi.
 2. Sanjay Sahni Son of Dukhi Sahni Resident of Village- Bhakurhiya, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 05-03-2020 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Pupri PS case no. 207 of 2019 registered for the offences punishable under Sections 272, 273 of Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 19.875 liters of illicit foreign liquor from a motorcycle.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. It is further



submitted that neither the motorcycle belongs to the petitioners nor the orchard belongs to the petitioners, hence it cannot be said that illicit liquor has been recovered from the conscious possession of the petitioners or from their premises, hence the provisions of the Bihar Excise and Prohibition Act, 2016 are not attracted.

Having regard to the facts and circumstances of the case, considering submissions made by the learned counsel for the petitioners as also taking in account the fact that *prima facie*, no case is made out as against the petitioners herein under the provisions of the Bihar Prohibition and Excise Act, 2016, upon a bare perusal of the FIR, as far as consideration of the present petition is concerned, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J. II-cum-Special Judge, Excise Act, Sitamarhi in connection with Pupri PS case no. 207 of 2019 subject to the



conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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