

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85560 of 2019

Arising Out of PS. Case No.-317 Year-2019 Thana- HARSIDHI District- East Champaran

1. ASHOK SAHNI, Son of Shobha Sahni
2. Vindeshwari Sahni, Son of Late Kodai Sahni
Both Resident of Village - Kubara, P.S.- Harsidhi, District-East Champaran,
Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Vikash Kumar Pankaj
For the Opposite Party/s :	Mr.Satyadeo Singh Yadav

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 14-02-2020 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 272, 273, 308 and 34 of the Indian Penal Code and Sections 30(a) of the Bihar Prohibition & Excise Act, 2016.

Informant is a police officer who has alleged in his written complaint that on 12.09.2019 at about 02:45 p.m., he along with other police personnels were on patrolling duty and he received a confidential information that four persons on three motorcycles were carrying spirit and upon receiving said information, he raided the place and on seeing the police, four accused persons assembled there fled away leaving their motorcycles taking advantage of darkness and from motorcycle,



105 litres of spirit kept in jerkin was recovered and the local Daffadars and persons available assembled there disclosed the name of persons who fled away including the name of petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to animosity and village rivalry. Nothing has been recovered from possession of the petitioner nor he was apprehended on the spot. Petitioner is also not the owner of any of the motorcycles. As such no offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Harsidhi P.S. Case No.317 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offences, after their release on bail the trial court shall take steps to cancel their bail bonds.

(S. Kumar, J)

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