

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87000 of 2019

Arising Out of PS. Case No.-196 Year-2019 Thana- MAKER District- Saran

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Anil Sahni @ Anil Sahani Son of Sri Bhagwan Sahni Resident of Village-
Murahia, P.S.-Maker, District-Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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

ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Maker P.S. Case No. 196/2019 registered for the offences
punishable under Sections 188, 272 and 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Police having got confidential information went
near a river. Seeing the police party one person fled away.
The local people disclosed the name of aforesaid person as
Anil Sahni.

Submission on behalf of the petitioner is that even
if the written report prepared by the police assumed to be



true, then also, no case under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (Bihar Excise and Prohibition (Amendment) Act, 2018) is made out because there is nothing in the first information report that the petitioner was engaged in manufacturing the countrymade liquor and, therefore, in the aforesaid circumstance this petition under Section 438 of the Cr.P.C. is maintainable. Although, learned A.P.P. for the State tried to controvert the aforesaid submission but from perusal of the written report I find force in the contention of the learned counsel of the petitioner and it appears to me that no, *prima facie*, case under the Provisions of Bihar Prohibition and Excise (Amendment) Act, 2018 is made out against the petitioner from a very face of the written report.

Considering the aforesaid facts and circumstances as well as submissions of the parties, it is ordered that above named petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, 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 Special Judge, Excise, Saran at Chapra in Maker P.S. Case No. 196/2019



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

(Hemant Kumar Srivastava, J)

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