

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11697 of 2021

Arising Out of PS. Case No.-387 Year-2020 Thana- BAKHARI District- Begusarai

1. KUNDAN SAHNI S/o Late Ganesh Sahni R/o village- Goriyari Ward No. 17, P.S.- Bakhri, District- Begusarai
2. Pappu Sahni S/o Bihari Sahni R/o village- Goriyari Ward No.- 17, P.S.- Bakhri, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-05-2021 Heard learned counsel for the petitioners and the State through virtual mode.

At the outset, learned counsel for the petitioners submits that during pendency of this application, the petitioner No. 2 namely Pappu Sahani has been taken into judicial custody. Hence, the application with regard to petitioner No. 2 has become infructuous.

Accordingly, this application with regard to petitioner No. 2 namely Pappu Sahani is dismissed as withdrawn.

The petitioner No. 1 is apprehending his arrest in a case registered under Section-30(a) of the Bihar Prohibition and Excise Act, 2018.



The prosecution case, in short, is that 26 liters wine is recovered.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. The name of the petitioner No. 1 has transpired in this case on the basis of disclosure made by the local Chowkidar. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 1 in this case. It is alleged that out of total recovery of 26 litres, 13 litres of wine is recovered from the field of the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 1. The petitioner No. 1 had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner No. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner No. 1, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional Sessions Judge-II-cum-



Special Judge, Excise Act, Begusarai in connection with Bakhari P.S. Case No. 387 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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