

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30188 of 2020

Arising Out of PS. Case No.-87 Year-2019 Thana- MOTIPUR District- Muzaffarpur

1. ANANDI SAHNI S/o Saryag Sahni Resident of Village-Chakki, P.S.- Motipur, District-Muzaffarpur.
2. Lakhindra Sahni S/o Awadh Sahni Resident of Village-Chakki Jamalabad, P.S.-Motipur, District-Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 01-03-2021 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners, in the present case, are seeking pre-arrest bail in connection with Motipur P.S. Case No. 87 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that as per the prosecution story the informant who is the A.S.I. of Police was on patrolling duty got secret information that petitioner no. 1 is involved in selling of illicit liquor. The informant reached at the given place and saw that 2-3 persons are escaping on seeing the police. The informant seized four liters of country-made liquor from a hut standing beside the pond. The nearby persons disclosed that the hut belongs to petitioner no. 2 and alleged that both the accused persons



involved in illicit trade of liquor.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the hut does not belong to these petitioners and they have no concern with the land over which the hut was found standing. It is submitted that the petitioners have no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein in course of investigation no material has been collected by I.O. to show that the hut belongs to the petitioners or the hut is standing on the land belonging to these petitioners, petitioners have otherwise no criminal antecedent, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Motipur P.S. Case No. 87 of 2019, be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

