

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38898 of 2020

Arising Out of PS. Case No.-39 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

ANAND SAHNI @ AMOD KUMAR @ ANAND KUMAR, SON OF
BIRENDRA SAHNI, RESIDENT OF VILLAGE - RASULPUR BAZID, P.S.
- AHIYAPUR, DISTRICT – MUZAFFARPUR ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Adv.

For the Opposite Party : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 09-07-2021 As prayed for, through video conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 23.12.2020. within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The petitioner seeks pre-arrest bail in connection with Ahiyapur P.S. Case No. 39 of 2020, registered under Sections 272 and 273 of the Indian Penal Code and 30(a), 36 and 38 of the Bihar Prohibition and Excise Act, 2016.

On secret information, the informant, along with other police personnel, reached at the house of Chandan Sahni in village Vijaychapra, then, three persons seen at the boundary situated near the house of Chandan Sahni. On seeing the police party, they started to flee away while they were chased, but, they



succeeded to flee away taking the advantage of darkness. The person, present there, disclosed that the persons who succeeded in fleeing away were Anandi Sahni (petitioner) and Deepak Rai. On search, several bottles in volume 350.475 liters Indian made foreign liquor recovered.

Submission is that it would appear from the first information report that the three persons who succeeded to flee away from the door of Chandan Sahni were identified as Anandi Sahni (petitioner) and Deepak Rai, but, the name of the person, who disclosed the name of the petitioner and others has not been disclosed in the first information report. It would also appear that bottles of Indian made foreign liquor in volume of 350.475 liters are said to be recovered from the bamboo clamps in front of the house of co-accused, Chandan Sahni, and not near the house of the petitioner. In fact, the petitioner is accused in two similar cases, as detailed in paragraph 3 of the petition, due to that reason the police managed to implicate the petitioner in the present case. Shri Mukesh Kumar Jha, Learned counsel appearing on behalf of the petitioner, also submits, at Bar, that in two cases as detailed in paragraph 3 of the petition, the petitioner is on bail.

Having regard to the facts and circumstances of the



case, let the petitioner, above named, in the event of arrest/surrender, within a period of four weeks from today, in connection with Ahiyapur P.S. Case No. 39 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise Act, Muzaffarpur, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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