

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3659 of 2022

Arising Out of PS. Case No.-622 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. PAPPU SAHANI Son of Late Sarjan Sahani Resident of Village - Jhakhiya, P.S.- Banjariya, Distt.- East Champaran.
 2. Mukesh Sahani Son of Kapildeo Sahani Resident of Village - Jhakhiya, P.S.- Banjariya, Distt.- East Champaran.
 3. Ganesh Sahani Son of Kapildeo Sahani Resident of Village - Jhakhiya, P.S.- Banjariya, Distt.- East Champaran.
 4. Govinda Sahani Son of Uma Sahani Resident of Village - Jhakhiya, P.S.- Banjariya, Distt.- East Champaran.
 5. Bhikhari Sahani Son of Bujhawan Sahani Resident of Village - Jhakhiya, P.S.- Banjariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 06-05-2022 Heard both sides.

Petitioners apprehend their arrest in Turkauliya (Banjariya) P.S. Case No.622 of 2021 registered under Sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that the petitioners have committed no offence and have falsely been implicated in this case. It is further submitted that nothing has

been recovered from possession of petitioner nos.2 to 5. It is alleged that recovery has been made from the shop of petitioner no.1 Pappu Sahni.

Learned A.P.P. for the State has opposed the prayer for bail of petitioner no.1 by contending that the alleged recovery of liquor has been made from the shop of petitioner no.1. Therefore, he does not deserve anticipatory bail.

Having considered the above facts and circumstances of the case, petitioner nos.2, 3, 4 and 5, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/-(rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise, East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S. Case No.622 of 2021 subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far as petitioner no.1 (Pappu Sahani) is concerned, having considered the facts and circumstances of the case as well as the allegation made against him, this Court is not

inclined to enlarge petitioner no.1 on anticipatory bail.

Accordingly, his prayer for bail is rejected.

(Arvind Srivastava, J)

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