

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13292 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- MAJHAULIA District- West Champaran

1. Naresh Sahni @ Naresh Sahani Son Of Subhash Sahni R/O Village- Rajabhar, P.S.- Majhauiliya, District- West Champaran
2. Virendra Sahani Son Of Late Ram Lochan Sahani R/O Village- Rajabhar, P.S.- Majhauiliya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioners and learned
A.P.P for the State.

The petitioners apprehend their arrest in Majhauiliya P.S. Case No. 07 of 2022, registered for the offence punishable under Section 30(a)/30(d) of the Bihar Prohibition and Excise Act, 2016.

8.28 litres of foreign liquor has been recovered from the hut of Virendra Sahani (petitioner no. 2).

It is submitted that petitioner has falsely been implicated in this case. Nothing has been recovered from conscious possession of this petitioner. Petitioner no. 1 has clean antecedent.



Counsel for the State vehemently opposed the bail application and submitted that recovery has been made from the hut of petitioner no. 2.

Considering the fact that recovery has been made from the hut of Virendra Sahani petitioner no. 2, I am not inclined to enlarge him on anticipatory bail. Accordingly, the same is rejected in view of the provision 76(2) of the Bihar Prohibition and Excise Act.

So far as, case of Naresh Sahni petitioner no. 1 is concerned, there is no recovery and he has got clean antecedent, he in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 07 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

