

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30459 of 2021**

Arising Out of PS. Case No.-2 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Sitamarhi

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1. SUNIL SAHNI S/o Gannu Sahani Resident of Village- Lagama, Ward No.6, P.S.- Dumra, District- Sitamarhi.
  2. Munna Sahni @ Munna Kumar S/o Gannau Sahani Resident of Village- Lagama, Ward No.06, P.S.- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Krishna Murari

For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      15-02-2022                      This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Sitamarhi C2 P.S. Case no. 2 of 2021 instituted for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 5.94 litres of IMFL from behind the house of the petitioner.

Learned counsel appearing on behalf of the petitioners has



submitted that petitioners are innocent and have been falsely implicated in this case. Petitioners have no concern with the alleged recovery. The alleged wine has been recovered from an open which is easily accessible to all. Neither the petitioners were arrested on spot nor any incriminating article has been recovered from their possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Sitamarhi C2 Case no. 2 of 2021, they will be enlarged 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 learned A.D.J.- II-cum-Special Judge (Excise), Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C.

**(Sunil Kumar Panwar, J)**

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