

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40451 of 2021

Arising Out of PS. Case No.-610 Year-2020 Thana- TURKAULIYA District- East Champaran

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1. YADOLAL SAHANI S/O SADHU SHARAN SAHANI R/o village- Chichurohiya, P.S.- Banjariya, District- East Champaran
 2. Hari Narayan Sahani S/o Sadhu Sharan Sahani R/o village- Chichurohiya, P.S.- Banjariya, District- East Champaran
 3. Onkar Sahani @ Onkarnath Sahani S/o Sadhu Sharan Sahani R/o village- Chichurohiya, P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Kaushal Kioshore

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-03-2022 Heard learned counsel for the petitioner and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Turkauliya (Banjariya) P.S. Case no. 610 of 2020 instituted for the offence under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 25 litres of country made liquor from the bank of the river.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery or with the place of



occurrence. The name of the petitioner has been disclosed in this case by the local villagers due to enmity, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his 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 petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Turkauliya (Banjariya) P.S. Case no. 610 of 2020, he 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Motihari, East Champaran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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