

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53994 of 2021**

Arising Out of PS. Case No.-431 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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JAIMANGAL SAHANI SON OF SHEODHARI SAHANI RESIDENT OF
VILLAGE- JHAKHIYA P.S. BANJARIYA, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Dilip Kumar No.1

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 04-03-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner apprehends his arrest in Excise Case
No.431 of 2019, registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. There is no recovery from the conscious
possession of the petitioner rather 4000 Kgs. of half fermented
liquor and 100 litres of country made liquor has been recovered
from the bank of a river. It is submitted that the petitioner and
other accused persons are said to have fled away after seeing the
police. It is further submitted that similarly situated co-accused



person, namely, Ram Babu Sahni has already been enlarged on anticipatory bail vide order dated 16.07.2019, passed in Cr. Misc. No.43553 of 2019. It is also submitted that the petitioner has got no criminal antecedent as stated in para 3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Petitioner is ready to deposit a sum of Rs.75,000/- (rupees seventy five thousand) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

In the facts and circumstances of the case, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-2nd-cum-Special Judge, Excise, East Champaran, Motihari in connection with Excise Case No.431 of 2019, subject to the conditions:



(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bond.

(4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.75,000/- (rupees seventy five thousand) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

(Anjani Kumar Sharan, J.)

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