

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68913 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- DEWARIA District- Muzaffarpur

1. SHUBH NARAYAN SAHNI S/o Late Jaleshwar Sahni R/V- Mohabbatpur, P.S.- Deoria, Distt-Muzaffarpur.
2. AVINASH KUMAR Son of SHUBH NARAYAN SAHNI R/V- Mohabbatpur, P.S.- Deoria, Distt- Muzaffarpur.
3. CHOTU KUMAR Son of SHUBH NARAYAN SAHNI R/V- Mohabbatpur, P.S.- Deoria, Distt-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Ms. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 259.200 liters of liquor from petitioner no 1's hut.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession, it is next submitted that even the alleged property is a joint family property and as such, it cannot be alleged that it were the petitioners who had kept the liquor in the house as has been pleaded at paragraph '11' of the anticipatory bail application, it is also submitted that no prudent men would use their own premises for committing an illegality and thus create evidence against themselves.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Deoria P.S. Case No. 131 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent



of the petitioners and in the event, if it is found that petitioners have any criminal antecedent then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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