

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71324 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- MOTIPUR District- Muzaffarpur

1. RAMESHWAR SAHNI Son of Kewal Sahni Resident of village - Gehuna Chak, P.S.- Motipur, District - Muzaffarpur
2. Ramjanm Sahni Son of Kewal Sahni Resident of village - Gehuna Chak, P.S.- Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-03-2022 At the outset, it is submitted by learned counsel for the petitioner that during pendency of this application, petitioner no. 1 has been arrested and, as such, he seeks permission to withdraw this application.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 1.

Heard learned counsel for the petitioner no. 2 and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Motipur P.S. Case no. 96 of 2021 instituted for the offence under Sections 272 and 273 of the Indian Penal Code and



Section 30(a), 34(a)(b) and 36 of the Bihar Prohibition and Excise Act, 2018.

Prosecution case relates to recovery of 15 litres of illicit liquor from back of the house of the petitioner.

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 locak chowkidar, which has got no evidentiary value in the eye of the 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 no. 2 on bail. The petitioner no. 2 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 Motipur P.S. Case no. 96 of 2021, 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 Special Judge, Excise, Muzaffarpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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