

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67428 of 2022

Arising Out of PS. Case No.-988 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. Shambhu Sahni Son Of Bagad Sahni Resident Of Village- Jhakiya, P.S.-
Banjariya, District- East Champaran
 2. Sanjay Sahni Son Of Sambhu Sahni Resident Of Village- Jhakiya, P.S.-
Banjariya, District- East Champaran
 3. Ajay Sahni Son Of Sambhu Sahni Resident Of Village- Jhakiya, P.S.-
Banjariya, District- East Champaran
 4. Golu Sahni Son Of Sambhu Sahni Resident Of Village- Jhakiya, P.S.-
Banjariya, District- East Champaran
 5. Lalmati Devi Wife Of Shambhu Sahni Resident Of Village- Jhakiya, P.S.-
Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar
For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a

case in connection with Turkaulia (Banjariya) P.S. Case No.

988 of 2022 registered for the offences punishable under

Sections 272, 273 of the Indian Penal Code and Sections

30(a), 32, 34, 36, 41(1), 45 of the Bihar Prohibition &



Excise Act.

There is recovery of 138.25 litres of illicit liquor from the shop-cum-house of the petitioners. The petitioners are alleged to have fled away from the place of seizure.

It is submitted by learned counsel for the petitioners that petitioners were not apprehended from the spot. Nothing has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized illicit liquor.

In contra, learned APP submitted that the place from where the recovery of illicit liquor has been made belongs to petitioner No. 1, namely, Sambhu Sahni.

Considering the fact that petitioner is the owner of the house from where the recovery of illicit liquor has been made, this Court is not inclined to grant privilege of anticipatory bail to the petitioner No. 1, namely, Shambhu Sahni.

The prayer for anticipatory bail of the petitioner No. 1, namely, Sambhu Sahni stands rejected.

So far as, rest of the petitioners are concerned



(except petitioner No. 1, namely, Shambhu Sahni), they are the family members of the petitioner No. 1, namely, Sambhu Sahni. They are not concerned with the seizure of illicit liquor.

In the facts and circumstance of the case, let the petitioners, above named, except petitioner No. 1, namely, shambhu Sahni, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court, No. 1, East Champaran, Motihari in connection with Turkaulia (Baujariya) P.S. Case No. 988 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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