

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24076 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- SUGAULI District- East Champaran

1. Dharani Sahani, aged about 40 years (M), S/o- Late Arjun Sahani, resident of Village- Mehwa, P.S.- Sugauli, Dist- East Champaran.
2. Umesh Sahani, aged about 45 years (M), son of Late Arjun Sahani, resident of Village- Mehwa, P.S.- Sugauli, Dist- East Champaran.
3. Bhola Sahani, aged about 40 years (M), son of Late Ramadhar Sahani, resident of Village- Mehwa, P.S.- Sugauli, Dist- East Champaran.
4. Vinay Kant Sahani, aged about 38 years (M), Son of Kishori Sahani, resident of Village- Mehwa, P.S.- Sugauli, Dist- East Champaran.
5. Bhothu Sahani @ Hridya Sahani, aged about 50 years (M), son of Deoki Sahani, resident of Village- Mehwa, P.S.- Sugauli, Dist- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party	:	Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2023 Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of the petitioner no. 2, namely, Umesh Sahani and petitioner no. 3, namely, Bhola Sahani as they have been taken into judicial custody in connection with Sugauli P.S. Case No. 547 of 2022, pending in the court of learned Exclusive Special Excise Court No.-I, East Champaran at Motihari.

Permission is accorded.



Accordingly, the present anticipatory bail application filed on behalf of the petitioner nos. 2 and 3 is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1, 4 and 5 and learned A.P.P. for the State.

The petitioner nos. 1, 4 and 5 are apprehending their arrest in connection with Sugauli P.S. Case No. 547 of 2022 for the offence registered under Sections 272, 273/34 of the I.P.C. and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 280 liters wine is said to have been recovered from the open field in question.

It has been submitted by learned counsel for the petitioner nos. 1, 4 and 5 that the petitioner no. 5 has got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. It is alleged that total 280 liters wine is recovered from the open field in question. The open field in question does not belong to the petitioners. They are named in the F.I.R. Their names have



transpired in the present case on the basis of disclosure made by the local Choukidar. Except for this, there is no other substantive evidence to suggest their implication in this case. Nothing incriminating has been recovered from their conscious possession. They had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner nos. 1, 4 and 5 has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner nos. 1, 4 and 5 are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioner nos. 1, 4 and 5 (except petitioner no. 2, namely, Umesh Sahani and petitioner no. 3, namely, Bhola Sahani), in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. I, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 547 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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