

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29332 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- HARSIDHI District- East Champaran

1. RAM AYODHYA SAHANI Son of Late Amichand Sahani Resident of village - Kubra, P.S.- Harsidhi, District - East Champaran, Motihari.
2. Ramesh Sahani Son of Sobha Sahani Resident of village - Kubra, P.S.- Harsidhi, District - East Champaran, Motihari.
3. Champa Devi Wife of Ram Ayodhya Sahani Resident of village - Kubra, P.S.- Harsidhi, District - East Champaran, Motihari.
4. Sumitra Devi Wife of Santu Sahani Resident of village - Kubra, P.S.- Harsidhi, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-05-2023 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 341, 323, 337, 338, 353, 504/34, 272 and 273 of the Indian Penal Code and 30(a) and 45 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 15 liters of liquor along with 100 liters of Mahua pass from the house of the petitioners.

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 alleged recovery is from a place which is a joint family house and as such, it cannot be alleged with certainty that it was the petitioner who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioner, it is also submitted no prudent person would use his own premise for committing a crime and thus would get implicated, when admittedly petitioners are a person with clean antecedent.

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 Harsidhi P.S. Case No. 121 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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