

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34374 of 2023**

Arising Out of PS. Case No.-130 Year-2023 Thana- ROSERA District- Samastipur

JITE SAHNI @ JITENDRA KUMAR @ JEETE SAHNI Son of Kailash  
Sahni Resident of village / Mohalla - Mahavir Asthan, ward no. 17 (New),  
P.S. - Rosera, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate  
For the Opposite Party/s : Mr. Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      26-07-2023      Heard the parties.

The petitioner is apprehending his arrest in connection with Rosera P.S. Case No. 130 of 2023 for the offence under Sections 30(a) of Bihar Prohibition and Excise Act 2018 lodged on 14.02.2023 by the informant, Rahat Hussain.

As per the prosecution story, the Police alleged that on secret information reached near '*Mahavir Asthan*' where found some persons escaping and when the inner part of the boundary wall was searched, 6.840 liters of foreign liquor as well as 20 liters of country-made liquor were recovered/seized. The villagers gave the name of those escaped persons as Prem Sahni and Jite Sahni (the petitioner herein). Accordingly, the F.I.R.

Learned counsel for the petitioner submits that due to



village enmity, his name has been taken by the villagers, do not have criminal antecedent.

Learned APP opposes the prayer.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner and as also that he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise-01, Samastipur, in connection with Rosera P.S. Case No. 130 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

**(Rajiv Roy, J)**

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