

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34723 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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1. Pappu Sahani, Son of Jilai Sahani Resident of Village- Semuapur, PS- Dumariyaghat, District- East Champaran
 2. Mintu Sahani, Son of Jilai Sahani Resident of Village- Semuapur, PS- Dumariyaghat, District- East Champaran
 3. Munil Sahani, Son of Jilai Sahani Resident of Village- Semuapur, PS- Dumariyaghat, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dumariyaghat P.S. No. 41 of 2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Altogether 60 liters of country made liquor is said to have been recovered from the field of one Dhruv Sahni.

4. Learned counsel for the petitioners submits that the aforesaid country made liquor was recovered form the field of one Dhruv Sahani and there is no recovery made from



possession or from the house of the petitioners. Hence, no provision under Section 30 (a) is applicable against the petitioners. Petitioners have no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt/production of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 2, Motihari, East Champaran where the case is pending in connection with Dumariyaghat P.S. Case No. 41 of 2023, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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