

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36774 of 2023

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

1. Rakesh Sahni S/O Mahendra Sahani R/O Vill. Mehwa Ps. Sugauli Dist. East Champaran
2. Pradeep Sahni S/O Jatasankar Sahani R/O Vill. Mehwa Ps. Sugauli Dist. East Champaran
3. Faguni Sahni S/O Late Bhichhan Sahani R/O Vill. Mehwa Ps. Sugauli Dist. East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-06-2023 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 30(a) and 41(i) of the Bihar Excise Act read with Sections 272, 273 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case, petitioner no.2 has antecedent of two cases and petitioner no.3 is a person with clean antecedent and allegation is of total recovery of 280 litres liquor from the kiln of 16 named accused persons as detailed in



the FIR, out of which 15 litres liquor was recovered from the kiln of petitioner no.1, 15 liters liquor from the kiln of petitioner no.2 and 15 litres liquor from the kiln of petitioner no.3.

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 the kiln does not belong to the petitioners and they came to be implicated by the local *Chowkidar* with whom they are on an inimical term, it is further submitted that police in a mechanical manner implicated the petitioners at the behest of the *Chowkidar* in order to save the real culprits.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sugauli P.S. Case No. 547 of 2022 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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