

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38126 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- BAKHARI District- Begusarai

1. ARJUN SAHNI S/O LATE LOPAT SAHNI R/O Village- Godiyari, P.S- Bakhri, Distt.- Begusarai.
2. Rahul Kumar S/O Arjun Sahni R/O Village- Godiyari, P.S- Bakhri, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s: Mrs. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehends their arrest in a case registered for the offences punishable u/s 30 (a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Altogether 253.05 liters of foreign liquor is said to have been recovered from the courtyard of the petitioners.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or any trade of liquor. They



have been falsely implicated in this case at the instance of their enemies. They were not apprehended on the spot and their names transpired in the case only on the basis of secret information. Petitioners have two criminal antecedent.

5. Having regards to the facts and circumstances of the case, as the recovery has been made from the courtyard of the petitioner no.1, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of bail on his behalf is hereby rejected.

6. However, petitioner no.2 is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

7. Considering that there is no recovery from the possession of the petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from to-day, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Bakhri P.S. Case No.111 of 2023, subject to the condition as laid down under



Section 438 (2) of the Cr.P.C, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

8. The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of deposit of aforesaid in the Patna High Court Legal Services Committee.

9. This application is, accordingly, partly allowed.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

