

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37606 of 2023

Arising Out of PS. Case No.-550 Year-2023 Thana- TURKAULIYA District- East
Champaran

=====

RAMOD SAHNI, S/O SATAN SAHNI @ PANNALAL SAHNI, R/O
Village- Nayatola, PS. Banjariya, Dist. East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr.Dhurendra Kumar, Advocate
For the State : Mr.Shailendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 28-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State of Bihar.
2. The petitioner is apprehending his arrest in
connection with Turkauliya (Raghunathpur) P.S. Case No. 550
of 2023 registered for offence under Sections 272, 273 and 34 of
Indian Penal Code and Sections 30(a) and 41(i) of Bihar
Prohibition and Excise Act, 2018.
3. As per prosecution case, eighty (80) litres of
country made liquor has been recovered from the river bank.
Ten (10) persons have allegedly fled from the place of
occurrence. Two (2) person who were arrested have named the
other accused persons including the petitioner.
4. It is submitted by learned counsel for the petitioner



that on account of petitioner's implication in Turkauliya (Banjariya) P.S. Case No. 62 of 2023 lodged earlier for an offence under the Bihar Excise and Prohibition Act, his name has been dragged in this case attributing the same to be in confessional statement of co-accused recorded while in custody, having no sanctity in the eyes of law. There is no recovery of any illicit liquor from the petitioner. The above circumstances are sufficient to conclude, for the purposes of grant of anticipatory bail, that no offence would be made out against the petitioner.

5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre-arrest bail would not be maintainable.

6. This Court is conscious of decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in *2019(2) PLJR 1089*. Having regard to the law laid down in the said judgment and the submissions advanced on behalf of the petitioner, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of counsel for the petitioner.

7. Petitioner's prayer for anticipatory bail is allowed.



8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-I, East Champaran, Motihari, in connection with Turkauliya (Raghunathpur) P.S. Case No. 550 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to 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. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shashank/-

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

