

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40514 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- ASHOK PAPER MILL District-
Darbhanga

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NAWAL SAHNI @ NAWAL MUKHIYA Son of Late Upendra Sahni
Resident of village - Dighra, P.S.- Ashok Paper Mill, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in connection with Ashok Paper Mill P.S. Case No. 27 of 2023 for the offence under Sections 30(a) of Bihar Prohibition and Excise Act 2016 lodged on 27.02.2023 by the informant, Shiv Kumar Yadav.

As per the prosecution story, the Police upon secret information, raided the house of Jay Kishore Sahni and Jaynarayan Sahni and recovered/seized 10 liters of country-made liquor and from the house of Manoj Sahni, 6 liters of country-made were recovered/seized.

It is alleged that this petitioner was also part and parcel of the alleged selling of the country-made liquor. Accordingly, the F.I.R.



Learned counsel for the petitioner submits that his name has come only because of his full brother, Jai Kishore Sahni and Jaynarayan Sahni with whom he has already separated five years ago and he do not have criminal antecedent.

Learned APP opposes the prayer.

Taking into account the submissions put forward by the learned counsel for the petitioner as also that the alleged recovery is from the house of his brothers and 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 his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I (Excise Act), Darbhanga , in connection with Ashok Paper Mill P.S. Case No. 27 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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