

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38606 of 2023

Arising Out of PS. Case No.-159 Year-2022 Thana- PURNAHYA District- Sheohar

1. RAGHUVIR SAHANI SON OF DAYALI SAHANI RESIDENT OF VILLAGE- NARKATIYA BELWA, P.S- PIPARAHI, DISTRICT- SHEOHAR
2. DHARMESH SAHANI SON OF RAJENDRA SAHANI RESIDENT OF VILLAGE- NARKATIYA BELWA, P.S- PIPARAHI, DISTRICT- SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Adv.
For the Opposite Party/s : Mr.Arun Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act.

3. On search, 554 bottles of 300 ml each of Karishma Nepali country made liquor (altogether 166.2 litres) kept in 5 sacks has been recovered from the jungle of Aداuri.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner rather 166.2



liters of country made liquor is said to have been recovered from an open place i.e. Jungle of Aduari. Petitioners have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have been falsely implicated in this case at the instance of their enemies. They were not apprehended on the spot. It is further submitted that two FIRs were lodged on the same day against the petitioners. They had not consumed liquor. Petitioners have one criminal antecedent as mentioned in para-3 of this application.

5. Petitioners are agreed to deposit a sum of Rs. 30,000.00 (Rupees Thirty Thousand) each in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each 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 Purnahiya P.S. Case No. 159 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

7. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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