

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41246 of 2023

Arising Out of PS. Case No.-521 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. RAJU SAHNI S/o Chhathu Sahni @ Chhattu Sahani R/o village-Nayatola, Jhakhiya, P.S.-Banjariya, District-East Champaran
 2. SUNIL SAHNI S/o Chhathu Sahni @ Chhattu Sahani R/o village-Nayatola, Jhakhiya, P.S.-Banjariya, District-East Champaran
 3. RAVI SAHNI S/o Chhathu Sahni @ Chhattu Sahani R/o village-Nayatola, Jhakhiya, P.S.-Banjariya, District-East Champaran

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Turkauliya (Banjariya) P.S. Case No. 521/2023 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code, Section 30(a)/41(i) of the Bihar Prohibition and Excise Act, 2018. Petitioner No. 1 and 2 have three criminal antecedents whereas petitioner no. 3 has got one criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that while he along with other police personnel were on



patrolling duty at Jhakhiya Chowk he got information that near N.H. 28 besides the railway line the petitioner and others have kept the illegal liquor and selling the same, he reached there, on seeing the police all accused persons fled away from there, thereafter the informant recovered total 61 liters of liquor and accordingly, seizure list was prepared.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that the recovery has been made from a place near about the railway line and not from the place of the petitioner.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submission that the alleged recovery has been made from a place near about a railway line and not from the place of the petitioner, the seizure list has not been duly prepared and the seizure list witnesses are the chowkidar and police personnel, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Judge, Court No. 1, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 521/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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