

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46703 of 2023

Arising Out of PS. Case No.-245 Year-2022 Thana- KHAJAULI District- Madhubani

SANTOSH KUMAR SAHANI Son of Baidhnath Sahni R/o Purwari Tola,
Dhanga, Ward No.- 15, P.S.- Khajauli, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with G.R. No.2429/2022 arising out Khajauli P.S. Case No. 245/2022 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and under Sections 30(a), 41 of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, there is alleged recovery of 22.5 illicit liquor from motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is not named in the FIR and during course of investigation the name of petitioner transpired in this case as an



owner of the said motorcycle but he was not aware that said motorcycle was used in transporting of illegal liquor as he gave his motorcycle to his friend in good faith. Petitioner bears no criminal antecedent. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. The petitioner was neither found on spot nor concerned with the illegal seized material. In this way, no offence is made out against the petitioner under the provision of the Bihar Prohibition and Excise Act, 2016.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge (Excise Act), Madhubani in connection with G.R. No.2429/2022 arising out Khajauli P.S.



Case No. 245/2022, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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