

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45874 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- PURNAHYA District- Sheohar

VIJAY SAHNI SON OF RUPA SAHNI RESIDENT OF VILLAGE- BELWA
NARKATIYA, PS- PIPRAHI, DISTT- SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 04-08-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Purnahiya Police Station Case No. 27 of 2023, dated 06.03.2023, disclosing offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner, along with other co-accused persons, were bringing a consignment of illicit liquor from Bagmati River, reached at the place of occurrence and saw that some persons were coming through the river carrying some bags and on seeing the police party, all the persons fled away. The police recovered 1326 litres of illicit liquor from the bags.



The name of the petitioner and others were disclosed by the local fishermen.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been made accused in this case on the basis of disclosure of his name by the local fishermen and no illicit liquor has been recovered from the possession of the petitioner; rather the illicit liquor has been recovered from the bank of River Bagmati. He further submits that similarly situated four accused persons have been granted anticipatory bail by this Court, vide order, dated 01.06.2023, passed in Criminal Misc. No. 35055 of 2023.
5. Regards being had to the submission advanced on behalf of the parties and taking into consideration the fact that illicit liquor has not been recovered from the possession and/or premises belonging to the petitioner; rather the same was recovered from the bank of River Bagmati and similarly situated co-accused persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. 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 learned Exclusive Special Excise Court, Sheohar, in connection with Purnahiya Police Station Case No. 27 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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