

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46875 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- KALUAHI District- Madhubani

BIJAY SAHANI SON OF MAHENDRA SAH RESIDENT OF VILLAGE-
KANHAULI, PS- KHAJAULI, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kaluahahi P.S. Case No. 58 of 2023, Corresponding to G.R. No. 467 of 2023 registered for the offences punishable under Sections 272, 273, 34 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 360 litre nepali sofi wine from the car in question. It is further alleged that co-accused Mukesh Sahni apprehended on spot and he disclosed the name of present petitioner who fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is neither owner nor driver of the said car in question . He further submits that petitioner bears no criminal antecedent. He further submits that petitioner was not present at the place of



occurrence and he has no concern with the alleged recovered liquor. He further submits that in the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

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 Addl. Session Judge-II cum Special Judge, Excise Act, Madhubani in connection with Kaluahi P.S. Case No. 58 of 2023, Corresponding to G.R. No. 467 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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