

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49455 of 2023**

Arising Out of PS. Case No.-550 Year-2023 Thana- TURKAULIYA District- East  
Champaran

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JAGAN SAHANI @ RAJKUMAR SAHANI S/O GANESH SAHANI R/O  
Village- Majhariya Ward No.1, P.S- Raghunathpur, Distt.- East Champaran,  
Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 2      11-08-2023      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 Turkauliya (Raghunathpur) Police Station Case No.  
550 of 2023, dated 11.05.2023, disclosing offences under  
Sections 272/273/34 of the Indian Penal Code and  
Sections 30(a)/41(1) of the Bihar Prohibition and Excise  
Act, 2016.
3. The prosecution case, as per the First Information Report,  
is that the police, on the basis of secret information that  
the petitioner, along with co-accused persons, are  
indulged in the manufacturing of illegal country-made  
liquor, raided the place of occurrence and upon seeing the



police, the persons present there started fleeing away, but the police apprehended two of them and upon search, the police recovered 80 litres of illicit country-made liquor, kept in two gallons. The name of the petitioner transpired in the confessional statement of arrested co-accused persons.

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 arrested co-accused persons. He further submits that the illicit country-made liquor has not been recovered from the conscious possession and/or premises belonging to the petitioner; rather, the same has been recovered from the Chatha Ghat, which is an open space and is accessible to all and sundry. He further submits that the petitioner has got no criminal antecedent.
5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the name of the petitioner transpired in the confessional statement of the co-accused persons, the illicit country-made liquor has not been recovered from the conscious



possession and/or premises belonging to the petitioner and further the petitioner has got no criminal antecedent, 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 No. 1, East Champaran, at Motihari, in connection with Turkauliya (Raghunathpur) Police Station Case No. 550 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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