

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47309 of 2023

Arising Out of PS. Case No.-107 Year-2019 Thana- NADI P.S. District- Patna

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1. Santosh Sahni Son Of Premchand Sahni @ Maniya Resident Of Village - Sabalpur, P.S. - Nadi , Distt. - Patna
 2. Suresh Sahni @ Genda Sahni Son Of Rambabu Sahni Resident Of Village - Banstal Kachchidargah, P.S. - Nadi, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 11-08-2023 Heard Mr. Jay Ram Prasad, learned counsel appearing on behalf of the petitioners and Mr. Veena Kumari Jaiswal, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Nadi P.S. Case No. 107 of 2019 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the allegation made in the F.I.R, a total 470 litres of country made liquor recovered from a boat near Banstal, Malah Tola, Ganga River.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are named in the F.I.R. but no recovery was made from their possession rather recovery was made from a boat near Banstal, Malah Tola, Ganga River.

Learned counsel further submits that petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submits that petitioners have no criminal antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having considered the nature of allegation made against the petitioners as well as the fact that the recovery was made from a boat and the petitioners were not present at the place of occurrence. The petitioners have no criminal antecedent.

7. In above view of the matter, I am of the opinion that the petitioners have made out a, *prima facie*, case to be released on anticipatory bail.

8. Court below is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Special Judge Excise, Patna in connection with Nadi P.S. Case No. 107 of 2019, subject to the condition as laid down

under Section 438(2) of the Cr.P.C.

9. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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