

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48292 of 2023

Arising Out of PS. Case No.-460 Year-2023 Thana- TURKAULIYA District- East
Champaran

=====

RANJEET SAHANI S/O PRABHU SAHANI R/O VILLAGE- CHAILAHA
KOTI PS. BANJARIYA DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 11-08-2023 1. Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.
2. The petitioner apprehends his arrest in
connection with Turkauliya (Banjariya) P.S. Case
No. 460 of 2023, registered for the offences
punishable under Sections 272, 273/34, 420, 467
and 468 of the Indian Penal Code and Sections
30[a], 32, 34, 36, 41[i] and 45 of the Bihar
Prohibition and Excise Amendment Act, 2018.
3. The allegation is regarding recovery of
63 litres of illicit country made liquor from Chailaha
Kothi (Chauraha).
4. The learned counsel for the petitioner



has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the place from where the illicit liquor has been recovered, does not belong to the petitioner, hence the provisions of the Bihar Prohibition and Excise Act, 2016, qua the petitioner herein, are not attracted in the present case.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that since the place from where illicit liquor has been recovered, does not belong to the petitioner, *prima facie*, case is not made out for the offences punishable under the provisions of the Bihar Prohibition and Excise Act, 2016, hence the bar under Section 76(2) of



the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner, thus I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

7. Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order, 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 Court, Excise No. 1, East Champaran at Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 460 of 2023, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

