

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58146 of 2023

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

Neta Sahni S/O Sri Ganesh Sahni R/O Village- Belwa Narkatiya, P.S- Piprahi,
Distt.- Sheohar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Purnahiya P.S. Case No. 27 of 2023 dated 06.03.2023, instituted for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. The prosecution case, as per the First Information Report, is that the police got secret information that the petitioner along with other co-accused persons were bringing a consignment of illicit liquor through Bagmati river and 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 he has been falsely implicated in this case. It is further submitted 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 conscious possession of the petitioner; rather, the illicit liquor has been recovered from the bank of river Bagmati. It is further stated that similarly situated co-accused person namely, Vijay Sahni has already been granted anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 04.08.2023 passed in Criminal Miscellaneous No. 45874 of 2023 and four accused persons have been granted anticipatory bail by this Court, *vide* order dated 01.06.2023 passed in Criminal Miscellaneous No. 35055 of 2023. Lastly, it has been submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Purnahiya P.S. Case No. 27 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Sheohar, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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