

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62579 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- KARPURIGRAM District- Samastipur

1. BRAJESH SAHNI SON OF DILIP SAHNI RESIDENT OF VILL/MOHALLA - SHAMBHUPATTI, P.S. - KARPURIGRAM, DISTRICT - SAMASTIPUR
2. KANHAI SAHNI SON OF SHANKAR SAHNI RESIDENT OF VILL/MOHALLA - SHAMBHUPATTI, P.S. - KARPURIGRAM, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha
For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-10-2023
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
 2. Learned counsel for the petitioners submits that during pendency of this application, the petitioner no. 1 was arrested. Accordingly, he seeks permission to withdraw this application with respect to the petitioner no. 1.
 3. Permission is granted.
 4. This application, with respect to the petitioner no. 1, is dismissed as withdrawn.
 5. The application, for grant of anticipatory bail, on behalf of the petitioner no. 2, arises out of Karpurigram Police Station Case No. 47 of 2023, dated 03.06.2023, disclosing



offences under Section 30 (a) of the Excise Act, 2016.

6. The prosecution case, on the basis of the First Information Report, is that the police, on information that illicit liquor has been stored in a maize field near Karpurigram village, proceeded towards the place of occurrence and upon seeing the police party three persons present there succeeded in fleeing away. Upon search total quantity of 1039.32 liters of illicit liquor was recovered from the maize field and the passersby of the locality disclosed the names of the petitioners.
7. Learned counsel for the petitioner no. 2 submits that he has falsely been implicated in this case on the basis of disclosure of his name by the passersby of the locality. The illicit liquor has not been recovered from the conscious possession of the petitioner no. 2 and the same has been recovered from the maize field, which is public place, open and accessible to all and sundry. The petitioner no. 2 is having no criminal antecedent and the similarly situated accused person having criminal antecedent has been enlarged by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 47113 of 2023.
8. Having regard to the submissions made on behalf of the



parties and taking into consideration the materials available on records and the fact that no illicit liquor has been recovered from the conscious possession and/or premises belonging to the petitioner no. 2 and similarly situated co-accused person has been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.

9. Accordingly, the anticipatory bail application in respect of petitioner no. 2 is allowed.
10. Let the petitioner no. 2, Kanhai Sahni, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-1, Samastipur, in connection with Karpurigram Police Station Case No. 47 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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