

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62575 of 2023

Arising Out of PS. Case No.-200 Year-2023 Thana- KASIMBAZAR District- Munger

1. Vivek Kumar Sahani @ Vivek Sahni Son Of Vinod Sahani Resident Of Village- Magahi Tola, Lallu Pokhar, P.S.- Kasim Bazar, District- Munger
2. Chhotu Kumar Son Of Mahendra Sahani Resident Of Village- Magahi Tola, Lallu Pokhar, P.S.- Kasim Bazar, District- Munger
3. Pocho Kumar @ Raushan Kumar Son Of Late Bipin Sahani Resident Of Village- Magahi Tola, Lallu Pokhar, P.S.- Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deep Anshuman, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Kasim Bazar P.S. Case No. 200 of 2023, registered on 30.06.2023, for the alleged offence under Section 30(a), 32 of Bihar Prohibition and Excise Act, 2016 and Section 25(1-b)a/26(i)(ii), 35 of the Arms Act.

03. As per prosecution case, the police received secret informant about unloading of illicit country made liquor at a riverbank. A raid was conducted and the police found three persons unloading the liquor from a boat and one person was concealing it. One of the persons was apprehended and three persons fled away from the spot on their boat. The apprehended



co-accused named these petitioners who were involved in unloading of illicit liquor as 60 liters of illicit liquor was recovered from the spot. The apprehended co-accused also disclosed that all four of them used to manufacture illicit liquor and petitioner no. 1 and 3 were also having illegal firearm. From the possession of apprehended co-accused person, recovery of 16 cartridges were also made.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners were not present at the spot and they have been implicated in this case at the behest of police. The illegal firearm and liquor has been recovered from the possession of co-accused Hareram Sahni. There is no independent witness of the alleged seizure. The petitioners were travellers in the boat and they have been falsely implicated in this case by the police. The petitioners had not participated in the alleged occurrence. There is no recovery from the person or possession of the petitioners. Learned counsel further submits that petitioner no. 1 is having five criminal antecedents but he is on bail in all such cases and petitioner nos. 2 and 3 are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail submitting that the petitioners were named by the co-accused with allegation that the petitioners were involved in



manufacturing of illicit liquor and they were also carrying illegal firearm.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that petitioners' name transpired on the basis of confessional statement of co-accused and also considering the lack of substantive material against the petitioners to connect them with the offences as alleged, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court Excise-I, Munger in connection with Kasim Bazar P.S. Case No. 200 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U			
---	--	--	--

