

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65503 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- TEGHRHA District- Begusarai

1. Krishna Nandan Sahani Son Of Khaltu Sahani @ Sagar Sahani Resident Of Village-Vilnpur, Ajgarwar, Police Station-Teghra, District-Begusarai.
2. Radhe Sahani Son Of Khaltu Sahani @ Sagar Sahani Resident Of Village-Vilnpur, Ajgarwar, Police Station-Teghra, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Perna Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Teghra P.S. Case No. 384 of 2022 dated 25.12.2022 instituted for the offence punishable under Sections 30(a) 30(b), 36 of the Bihar Prohibition Excise Act.

3. The allegation is that 14 litres country made *chulai* liquor has been recovered from near the house of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession or the house of the petitioners.



Petitioners have been made accused in this case only on the basis of suspicion. Learned counsel for the petitioners submits that even in the investigation, not a single independent witness has come forward to support the allegation levelled against the petitioner. Lastly, it has been submitted that petitioners have two criminal cases against them.

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

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 petitioners within a period of six weeks from today, in connection with Teghra P.S. Case No. 384 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge 1st, Begusarai subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their



bail bonds shall be cancelled by the Court below.

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

III. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their 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.

IV. If the petitioners tamper 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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