

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76236 of 2023

Arising Out of PS. Case No.-352 Year-2023 Thana- JAYNAGAR District- Madhubani

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ASHOK SAHANI SON OF RAM KISHUN SAHANI RESIDENT OF
VILLAGE - BAIRA, P.S. - JAY NAGAR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Jaynagar P.S. Case No. 352 of 2023 dated 22.08.2023 registered for the offences punishable u/ss 272, 273, 414 read with section 34 of the Indian Penal Code and u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 1170 litres of illicit liquor and 8 motorcycles were recovered near *Pakar* tree at village Baira.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The name of the petitioner was disclosed by local *chowkidar*. Nothing has been recovered from the possession of the petitioner and the recovery



has been made from an open place. It is further submitted that the said motorcycle does not belong to the petitioner and the said motorcycle was not being driven by the petitioner at the time of alleged recovery and hence, no case is made out against the petitioner. The petitioner has one criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhubani in connection with Jaynagar P.S. Case No. 352 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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