

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74675 of 2022**

Arising Out of PS. Case No.-146 Year-2022 Thana- KHODAWANDPUR District- Begusarai

NABAB SAHNI Son of Late Jeebachh Sahni Resident of village -
Khanjahanpur, P.S.- Chariya Bariyarpur, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State through virtual mode in view of
COVID-19.

The petitioner apprehends his arrest in connection
with Khodawandpur (Chhaurahi O.P.) P.S. Case No.146 of 2022
instituted under Sections 272, 273 IPC and 30(a) Bihar
Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, while on duty got
information about the petitioner who is manufacturing
countrymade liquor. Accordingly, reached the place and during
the search. 135 liters countrymade liquor recovered/seized.
Accordingly, the FIR.



Learned counsel for the petitioner submits that no incriminating article has been recovered from the conscious of the petitioner. The petitioner has no any concern with the place of occurrence and the police falsely implicated in this case to the petitioner. The seizure list witness are police personals so the police not follow section 100 Cr.P.C. in this case.

Further submission is that irrespective of the outcome of the present petition, the petitioner intends to deposit Rs.10,000/- to the Patna High Court Legal Services Committee through Demand Draft issued by the local State Bank of India branch.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the recovery is from an open field and the name of the petitioner has come from the other sources, ultimately he has to face the trial, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs.10,000/-.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two



sureties of the like amount each in connection with Khodawandpur (Chhaurahi O.P.) P.S. Case No.146 of 2022 to the satisfaction of learned Exclusive Special Excise Judge, Ist, Begusarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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