

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73627 of 2022

Arising Out of PS. Case No.-974 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

SHIVJEE SAHNI SON OF RAMCHANDRA SAHNI R/O VILLAGE-
AKABARPUR, P.S.- AHIYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suruchi Anand,Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

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

The petitioner apprehends his arrest in connection
with Ahiyapur P.S. Case No. 974 of 2020 for the offence
registered under Sections 272, 273 and 34 of the Indian Penal
Code and Sections 30(a) and 36 of Bihar Prohibition and Excise
Act, 2016.

As per the prosecution story, the police upon
information that illicit country made liquor has been kept hidden
near banana orchard by the accused persons raided the said
place and the allegation is that 160 litres country made liquor



was recovered/seized from the said banana orchard.

Learned counsel for the petitioner submits that 160 litres illicit country made wine was not recovered from the conscious possession of the petitioner rather it was recovered from banana orchard near bank of River Gandak.

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

Taking into account the fact that the petitioner do not have criminal antecedent, the recovery is from the banana orchard near a bank of River Gandak, nothing has been recovered from his conscious possession, this Court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. -1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 974 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(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 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;

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

(iv) 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;

(v) 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)

Jagdish/Neha/-

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