

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78494 of 2023**

Arising Out of PS. Case No.-350 Year-2023 Thana- WARISNAGAR District- Samastipur

1. SURENDRA SAHNI @ NANKI SAHNI @ SURENDRA KUMAR S/O SARYUG SAHNI VILLAGE- BEGAMPUR, PS. WARISNAGAR- (MATHURAPUR O.P.), DIST. SAMASTIPUR.
2. MANISH SAH @ MANISH KUMAR S/O LALO SAH VILLAGE- BEGAMPUR, PS. WARISNAGAR- (MATHURAPUR O.P.), DIST. SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate  
For the Opposite Party/s : Mr. Parmanand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      04-12-2023                      Heard the parties.

2. The petitioners apprehend their arrest in connection with Warisnagar P.S. Case No. 350 of 2023 for the offence registered under Section 30(a) of Bihar Prohibition and Excise Act lodged on 28.09.2023 by the Informant Supriya Arya.

3. As per the prosecution story, the Police upon secret information about use of liquor, reached the place. However, the accused persons managed to escape and from Mahavir Temple, 14.04 lts. of foreign liquor/wine was recovered/seized. According to the Police, upon their sight, it was thrown by the accused who were keeping it on a motorcycle having Registration No. BR33AG8017, which belonged to Jitendra



Sahni.

4. Learned A.P.P. for the State, on the other hand, opposes the prayer for anticipatory bail stating that the number of the motorcycle that has come in the F.I.R. belongs to the petitioner and he cannot escape responsibility.

5. Though the accusation is of throwing the bag from the motorcycle, the fact remains that it has been recovered/seized from near the Temple, the petitioner do not have any criminal antecedent, the recovery is of 14.04 lts. of wine, F.I.R. lodged and ultimately he will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

6. Let the petitioners 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 ₹ 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-2, Samastipur in connection with Warisnagar P.S. Case No. 350 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show their *bona fide*;



(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned Police Station every fortnight for the next six months to mark attendance;

(iv) the petitioners 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 petitioners 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;

7. With the aforesaid observations, the anticipatory bail application stands allowed.

**(Rajiv Roy, J)**

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