

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4077 of 2024

Arising Out of PS. Case No.-580 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

Ravindra Sahni, Son of Shivnath Sahni, R/o village - Hussepur, Naya tola,
P.S. - Sahebganj, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Santosh Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Sahebganj P.S. Case No. 580 of 2021 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a) and 30(D) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of indulge in manufacturing and selling of Deshi Chulai liquor. The police on a secret information, conducted a raid on the bank of Gandak river. However, on noticing the police party, some of the persons succeeded in fleeing away, but two of them were apprehended. On search, total 30 litres of Deshi Chulai liquor and equipments of manufacturing of illicit liquor have also been recovered.



4. It is submitted on behalf of the petitioner that from the narratives of the F.I.R., it is evident that even the apprehended persons have not disclosed the name of the petitioner, rather his name transpired by the local Chowkidar and independent witnesses. He further submits that in fact the reason for his false implication is of his criminal antecedent of identical nature, which has been disclosed in para. 3 of the bail application. He next submitted that the entire recovery has been made from the bank of Gandak river, which is an open place, easily accessible to all. Moreover, the co-accused person, having identical allegation, has been allowed the privilege of anticipatory bail by the learned coordinate Bench of this Court in Cr. Misc. No. 69540 of 2023 vide order dated 01.11.2023.

5. On the other hand, learned APP for the State opposes the bail application and submits that the entire manufacturing unit has been unearth and destroyed by the police and the petitioner bears a criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the bank of Gandak river and save and except the disclosure made by the local Chowkidar and independent witnesses, there is no material suggesting the



complicity of the petitioner in the present crime, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.-II, Muzaffarpur in connection with Sahebganj P.S. Case No. 580 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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