

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6502 of 2024

Arising Out of PS. Case No.-749 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. Lalu Sahani SON OF SHIVNATH SAHANI RESIDENT OF VILLAGE- ISMAILPUR, PS- HAJIPUR SADAR, DISTT- VAISHALI
2. KUNDAN SAHNI @ KUNDAN KUMAR SON OF DHORAI SAHANI RESIDENT OF VILLAGE- ISMAILPUR, PS- HAJIPUR SADAR, DISTT- VAISHALI
3. VIKKI MAHTO SON OF ASHOK MAHTO RESIDENT OF VILLAGE- ISMAILPUR, PS- HAJIPUR SADAR, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 16-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Hajipur Sadar P.S. Case No.749/2023 registered for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel for the petitioners submits that petitioner no.1 and petitioner no.3 have antecedent of one case and petitioner no.2 is a person with clean antecedent. An allegation is of recovery of 60 litres of liquor from west of Amar Singh Baba Asthan (Narkat). It is next submitted that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession. It is also submitted that the alleged recovery is from a place which is accessible to public at large as such it cannot be



alleged with certainty that it was the petitioners who had kept the liquor at the place of occurrence. It is next submitted that they came to be implicated at the instance of the chowkidar. It is further submitted that if the chowkidar was aware that the petitioners had kept the liquor at the place of occurrence why he did not inform the police earlier rather when the alleged recovery was made, thereafter he took the name of the petitioners, which casts an aspersion on the case of the prosecution.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees Five thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1-cum- Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No.749/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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