

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14094 of 2024

Arising Out of PS. Case No.-301 Year-2023 Thana- RAJEPUR District- East Champaran

1. Ganesh Sahani @ Ganeshi Sahani SON OF Baudha Sahani RESIDENT OF VILLAGE- HANUMAN NAGAR, PS- RAJEPUR, DISTT- EAST CHAMPARAN
2. NANKI SAHANI @ RABINDRA SAHANI SON OF BAUDH SAHANI RESIDENT OF VILLAGE- HANUMAN NAGAR, PS- RAJEPUR, DISTT- EAST CHAMPARAN
3. RAJU KUMAR @ RAJU SAHANI SON OF GANESH SAHANI @ GANESHI SAHANI RESIDENT OF VILLAGE- HANUMAN NAGAR, PS- RAJEPUR, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 06-03-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Rajepur P.S. Case No. 301 of 2023 dated 19.12.2023 registered for the offence punishable under Sections 272, 273 read with 34 of the Indian Penal Code and u/ss 30(a), 32, 36 and 41(i) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 70 litres of illicit country made liquor was recovered from the bamboo steel albastor house of the petitioner no. 1, Ganesh Sahani.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The name of the petitioners was disclosed by villagers. Nothing has been recovered from the possession of the petitioners. It is further submitted that the petitioners have no concern with the alleged offence. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the said recovery has been made from the house of the petitioner no. 1, Ganesh Sahani.

6. Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 2 and 3, namely, NANKI SAHANI @ RABINDRA SAHANI and RAJU KUMAR @ RAJU SAHANI, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Motihari, East Champaran in connection with Rajepur P.S. Case No. 301 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed with regard to the petitioner nos. 2 and 3, namely, NANKI SAHANI @ RABINDRA SAHANI and RAJU KUMAR @ RAJU SAHANI.



8. So far as, the recovery has been made from the house of the petitioner no.1 namely, Ganesh Sahani, I am of the view that no case for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioner no.1 namely, Ganesh Sahani to surrender before the concerned Court below within six weeks from the date of this order and the learned Court below shall consider his prayer for regular bail in accordance with law without being prejudiced by this order.

9. Accordingly, the application regarding petitioner no.1 namely, Ganesh Sahani stands disposed of.

(Chandra Prakash Singh, J)

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