

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19135 of 2024

Arising Out of PS. Case No.-807 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

Shiv Kumar Sahani, aged about 40 years (M), Son of Late Shankar Sahani,
Resident of Village-Ajarwa, P.S.-Lakhaura, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Hemant Ray, Sharad Kumar Verma and Sagar
Kumar, Advocates
For the Opposite Party : Mr. Sanjay Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil (Lakhaura) P.S. Case No. 807/2023 dated 13.11.2023 registered for the offences punishable under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, 30 litres of country made liquor was recovered from the motorcycle which was left by the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the



possession of the petitioner. It is submitted that the petitioner is not the owner of the motorcycle in question. The name of the petitioner has sprung up in the present case on the basis of the disclosure made by the co-villager. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Motihari, East Champaran in connection with Muffasil (Lakhaura) P.S. Case No. 807 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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