

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23393 of 2024**

Arising Out of PS. Case No.-154 Year-2023 Thana- DUMARIAGHAT District- East  
Champaran

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RAJ KUMAR SAHANI SON OF CHANDRIKA SAHANI RESIDENT OF  
VILLAGE - BANPARUWA, POLICE STATION - DUMARIYA GHAT,  
DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.Sucheta Yadav, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      20-03-2024      Heard learned counsel for the petitioner and learned A.P.P.  
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

3. Allegedly, 50 litres of country made liquor has been recovered from the place of occurrence.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and he has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has been



falsely implicated in this case due to ulterior motive. He was not apprehended on the spot. He has been made accused in the present case merely on the basis of the statement of local Chowkidar. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Dumariyaghat P.S. Case No. 154 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that:



(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding fro cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

8. However, the learned Court below is directed to verify the criminal antecedent of the petitioner before accepting the bail bond. If it is found that the petitioner is involved in any other case prior to the present case, then his bail bond shall not be accepted.

**(Anjani Kumar Sharan, J)**

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