

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29286 of 2024

Arising Out of PS. Case No.-22 Year-2024 Thana- AURAI District- Muzaffarpur

1. Raj Kumar Sahani S/o Sitaram Sahani R/o vill - Nayagaon Parsarma Tola @ Parsarma, P.S. - Aurai, Distt. - Muzaffarpur
2. Sudhir Sahani @ Sudhir Kumar Sahani S/o Ramashray Sahani R/o vill - Nayagaon Parsarma Tola @ Parsarma, P.S. - Aurai, Distt. - Muzaffarpur
3. Sanjay Sahani S/o Nathuni Sahani R/o vill - Baidol Asli, P.S. - Aurai, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
For the Opposite Party/s : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-04-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 272, 273, 34 of the I.P.C. and Sections 30(a), 30(d), 30(e), 33, 36, 41 of Bihar Prohibition and Excise Act, 2022.
3. Learned counsel for the petitioners submits that petitioner no.1 and 2 have antecedent of one case and the petitioner no.3 is a person with clean antecedent and allegation is of recovery of 237.575 litres of liquor from a bush near bank of river Bagmati. It is next submitted that petitioners were not



arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is made from a place which does not belong to the petitioners and they came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value.

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

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 trial court where the case is pending/successor court in connection with Aurai P.S. Case No.22/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.1 and 2 have antecedent of more than



one case and petitioner no.3 has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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