

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32451 of 2024

Arising Out of PS. Case No.-467 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Sheonath Sahni @ Shivrath Sahani Son of Jayjeet Sahni Resident of Village - Kharuwa, P.S.- Banjariya, District - East Champaran, Motihari.
 2. Sunil Kumar Sahni @ Sunil Sahni Son of Sheonath Sahni @ Shivrath Sahani Resident of Village - Kharuwa, P.S.- Banjariya, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-05-2024 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 offences punishable under Sections 272 and 273 of the Indian Penal Code as well as Sections 30(a), 32, 34, 36 and 41(i) of the Bihar Prohibition and Excise Act, 2018.
3. Learned counsel for the petitioners submits that petitioners have antecedent of one case.
4. Allegation is of recovery of 80 litres of liquor from the bank of Dhanauti River.
5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and even the alleged



recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came to be implicated by the Chawkidar with whom they are on an inimical term. It is further submitted that if the Chawkidar was aware of the involvement of petitioners in the occurrence then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution.

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

7. 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.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Turkauliya (Banjariya) P.S. Case No. 467 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal



antecedent of the petitioners and if it is found that petitioners have antecedent of more than one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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