

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33472 of 2024

Arising Out of PS. Case No.-235 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

-
1. Pramod Sahani Son Of Ramkrit Sahani Resident Of Village - Bahuari, P.S. - Lkhaura, District - East Champaran, Motihari
 2. Bagad Sahani @ Bagav Sahani Son Of Late Dev Narayan Sahani Resident Of Village - Chichrohiya, P.S. - Banjariya, District - East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-05-2024 1. Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016 in connection with Excise P.S. Case No.235 of 2020.

3. The learned counsel submits that petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of one case and allegation is of recovery of 14 liters of liquor along with 200 liters of Mahua pass from bank of Tilawe river.

4. 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 from a place



which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of local person, but then it absolutely does not stand to reason that a local person was aware of the involvement of the petitioners in the occurrence then why he or she did not inform the police prior to institution of the instant FIR, which cast an aspersion on the case of the prosecution.

5. The learned APP for the State opposes the anticipatory bail application.

6. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, Motihari, East Champaran in connection with Excise P.S. Case No.235 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that



petitioner no.1 has antecedent of more than two cases and
petitioner no.2 has antecedent of more than one case, in that
event, the present anticipatory bail order shall not be given
effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

