

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35409 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

Mithu Sahani S/O Ramjeet Sahani @ Ramaji Sahani R/O Village- Kataha,
Loknathpur, P.S.- Muffasil, Dist.- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Opposite Party/s : Mr. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2024 1. 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 offence punishable under Sections 30(a), 32
and 41(i) of Bihar Prohibition and Excise Amendment Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases and allegation is of
recovery of 90 litres of liquor from a place in front of bamboo
orchard of Naruddin Ahmad near bank of Sikrahana river. It is
next submitted that petitioner was not arrested from the spot as
such nothing was recovered from his conscious possession and
even alleged recovery is from a place which does not belong to
the petitioner and is accessible to public at large and he came to



be implicated at the instance of chowkidar with whom he is on an inimical term. It is also submitted that if chowkidar was aware about the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant F.I.R., which casts an aspersion on the case of prosecution. It is also submitted that it appears that the police in order save real culprit falsely got the petitioner implicated through chowkidar, taking advantage of his antecedents.

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

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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.20,000/- (Rupees twenty thousand) 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 Muffasil P.S. Case No.94/2024, 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 petitioner shall verify the



criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than four cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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