

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36486 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Mahendra Sahani, Son Of Banti Sahani @ Banti Sahni Resident Of Village -
Chailaha Kothi, P.S. - Banjariya, District - East Champaran
 2. Ramesh Sahani, Son Of Banti Sahani @ Banti Sahni Resident Of Village -
Chailaha Kothi, P.S. - Banjariya, District - 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 21-06-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.
2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 30(a) and 41(1) of the Excise Act.
3. The learned counsel for the petitioners submits that
the petitioner no.1 has antecedent of three cases and petitioner
no.2 has antecedent of two cases and the allegation is of
recovery of 70 litres of liquor from a bamboo orchard.
4. The 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 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 Chaukidar with whom they are on an inimical term. It is also submitted that it appears that Chaukidar in order to save the real culprit falsely implicated the petitioners taking advantage of their antecedent.

5. Learned A.P.P. 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 ten weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, East Champaran, Motihari in connection with Turkauliya (Banjariya) P. S. Case No.105 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



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

(Satyavrat Verma, J)

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