

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35524 of 2024

Arising Out of PS. Case No.-491 Year-2024 Thana- Excise P.S. District- East Champaran

1. SUKHARI SAHANI @ SUKHADI SAHNI SON OF LATE HALKHORI SAHANI RESIDENT OF VILLAGE - TIKULIYA DHAB TOLA, P.S. - MUFFASIL, DISTRICT - EAST CHAMPARAN
2. LALBABU RAI SON OF YOGINDRA YADAV RESIDENT OF VILLAGE - BELA WARD NO.01, P.S. - SIKARGANJ, DISTRICT - EAST CHAMPARAN

... Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-07-2024 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 Act in connection with Excise P.S. Case No.491 of 2024.

3. The learned counsel for the petitioners submit that the petitioners are person with clean antecedent and the allegation is of recovery of 21 liters of liquor from possession of Ramdhani Sahni, 22 liters of liquor from a motorcycle and 18 liters of liquor from a sack alleged thrown by Lal Babu Rai (Petitioner No.2).



4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from his conscious possession and are not the owner of the seized vehicle and they came to be implicated based on confessional statement of Ramdhani in police custody, which does not have any evidentiary value, when petitioners admittedly are clean antecedent.

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.500/- (Rupees Five Hundred) 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.491 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that 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 petitioners have antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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