

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38527 of 2024

Arising Out of PS. Case No.-550 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Santosh Sahni @ Santosh Kumar Sahni S/O BHADO SAHNI @
BHADOLAL SAHNI R/O VILLAGE- Majhariya, WARD NO.1, P.S.-
RAGHUNATHPUR O.P., DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar

For the Opposite Party/s : Mr.Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act.

3. Altogether 80 litres of country made liquor has been recovered from the place of occurrence. Two accused persons were apprehended on the spot and disclosed the name of other co-accused.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no



concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The place of recovery is an open place and easily accessible to anyone. The name of the petitioner has been transpired in the present case merely on the basis of the confessional statement of the apprehended co-accused persons. He was not apprehended on the spot. He had not consumed liquor. He further submits that the similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 19.08.2023 in Cr. Misc. No. 51473 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs. 30,000.00 (Rupees Thirty Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Turkauliya (Raghunathpur) P.S. Case No. 550 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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