

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37527 of 2024

Arising Out of PS. Case No.-8 Year-2022 Thana- SUGAULI District- East Champaran

Lotan Sahani @ Lutan Sahani Son of Javahir Sahani Resident of Village -
Godigawa, P.S.- Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-06-2024 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)(b)(c) of Bihar
Prohibition and Excise Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and allegation is of recovery of
1000 litres of Mahua liquor from a place near bank of river Gandak.
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 next submitted that if chowkidar was aware of the
involvement of the petitioner in the occurrence then why he did not



inform the police prior to the institution of the instant F.I.R., which casts an aspersion on the case of the prosecution.

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.5000/- (Rupees five 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 Sugauli P.S. Case No.8/2022, 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 one case, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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