

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38356 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- HARSIDHI District- East Champaran

1. Raju Sahani Son of Chandra Sahani Resident of Village-Ujjain, Lohiyar math, ward No.13, P.S Harsiddhi, District East Champaran at Motihari
2. Sunil Sahani S/O Surendra Sahani Resident of Village-Ujjain, Lohiyar math, ward No.13, P.S Harsiddhi, District East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 16-07-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioners apprehend their arrest in a case registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per FIR, there is recovery of total 169 litres of illicit liquor from a public toilet.

4. Learned counsel appearing on behalf of the petitioners have submitted that petitioners have falsely been implicated in the present case. It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioners rather the same was recovered from



the public toilet, which is accessible to general public. It is submitted that seizure list appears doubtful being not supported by independent witnesses, rather by police personnels.

5. Learned APP appearing for the State, opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances and submissions made on behalf of the petitioners, let the petitioners, above named, are directed to be released on bail in the event of their arrest or surrender before the court within a period of six weeks from today on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Motihari, East Champaran in connection with Harsiddhi P.S. Case No.101 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that petitioner shall remain present on each and every date till conclusion of the trial.

(Ramesh Chand Malviya, J)

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