

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38867 of 2024

Arising Out of PS. Case No.-614 Year-2023 Thana- KESARIA District- East Champaran

1. Upendra Sahani, Son Of Late Bharat Sahani, Resident Of Village - Sundrapur, P.S. - Kesariya, District - East Champaran
2. Harichandra Sahani, Son Of Late Bharat Sahani, Resident Of Village - Sundrapur, P.S. - Kesariya, District - East Champaran
3. Amarjeet Mukhiya, Son Of Ganesh Mukhiya, Resident Of Village - Sundrapur, P.S. - Kesariya, District - East Champaran
4. Ranjeet Mukhiya, Son Of Ganesh Mukhiya, Resident Of Village - Sundrapur, P.S. - Kesariya, District - East Champaran
5. Rishi Patel, Son Of Late Amindra Patel, Resident Of Village - Sundrapur, P.S. - Kesariya, 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. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Kesariya P.S. Case No. 614 of 2023, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, in a drive against illicit liquor, police received information about petitioners doing illicit trade of liquor near a water tank. A raid was conducted and 4-5 persons started fleeing away on seeing the police party and they



made good their escape. From the search of the spot, 30 litres of country made liquor was recovered.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners were not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioners. Recovery has been shown from an open place which is accessible to all and the petitioners have been named in this case merely on suspicion. Petitioner nos. 1 and 2 are having criminal antecedent of two cases and they are on bail in both the cases whereas petitioner nos. 3, 4 and 5 are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners and recovery has been shown from an open place and also considering the strong possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.



10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-3, Motihari, East Champaran/concerned court in connection with Kesariya P.S. Case No. 614 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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