

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44206 of 2024

Arising Out of PS. Case No.-603 Year-2020 Thana- Excise P.S. District- East Champaran

1. Ranjeet Sahani Son of Prabhu Sahani R/O Vill.- Mehwa, P.S.- Sugauli, Dist.- East Champaran.
2. Aniklal Sahani Son of Bahadur Sahani R/O Vill.- Mehwa, P.S.- Sugauli, Dist.- East Champaran.
3. Vijay Sahani Son of Ramchandra Sahani R/O Vill.- Mehwa, P.S.- Sugauli, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. At the outset, learned counsel for the petitioners seeks permission to correct the year of P.S. Case in prayer portion of this application. Permission is accorded.

3. The petitioners apprehend arrest in connection with Excise P.S. Case No. 603 of 2020 dated 19.12.2020 instituted for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2016.

4. Allegation is of recovery of total 70 litres illicit country made *chulai* liquor and 3000 kg. Jaggery from bamboo



orchard.

5. Learned counsel for the petitioner submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that nothing has been recovered either from the conscious possession of the petitioners or from their house. The petitioners have no concern with the said bamboo orchard from where illicit articles have been recovered. Lastly, it has been submitted that petitioner nos. 1 & 3 have one criminal case each against them while petitioner no. 2 have no criminal antecedents.

6. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Excise P.S. Case No. 603 of 2020, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Special Excise Court No. 2, East Champaran at Motihari subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-



I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wives.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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