

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40518 of 2024

Arising Out of PS. Case No.-926 Year-2023 Thana- TURKAULIYA District- East
Champaran

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BACHCHAN SAHANI S/O RAMCHANDRA SAHANI R/O VILLAGE-
JHAKHIYA, P.S- BANJARIYA, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-08-2024 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 offences punishable under Sections 30(a) and
41(1) of the Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of eight cases.

4. Allegation is of recovery of 120 litres of liquor
from a pickup van and 83.22 litres of liquor from a sack kept
near a railway line.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and even the alleged
recovery is from a place which does not belong to the petitioner.



It is further submitted that petitioner is not the owner of the seized vehicle and he came to be implicated at the instance of the Chawkidar but then it is submitted that the police in majority of the cases implicate either at the instance of the Chawkidar, local person, secret information or confessional statement in a mechanical manner without holding proper investigation of the case. It is next submitted that once an accused is implicated in a case relating to excise the police start implicating mechanically.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let 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.40,000/- (Rupees Forty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Turkauliya (Banjariya) P.S. Case No. 926 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal



antecedent of the petitioner and if it is found that petitioner has antecedent of more than eight cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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