

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43512 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- MANIYARI District- Muzaffarpur

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Anarjit Sahni @ Amarjit Sahni @ Aaluchap Son of Bindeshwar Sahni
Resident of Village - Laxmipur Tola, Mahanth Maniyari, P.S.- Maniyari,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending arrest in connection with Maniyari P.S. Case No. 69 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of 10 liters of illicit country made chulai liquor from motorcycle in question. Co-accused Dinesh Sahni was apprehended on the spot and he disclosed the name of co-accused Umesh Sahni who fled away from the place of occurrence. It is further alleged that apprehended person stated that he was going to deliver the said liquor to the petitioner.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report. He further submits that except disclosure of co-accused Dinesh Sahni, there is nothing on record to connect this petitioner with the alleged occurrence. Nothing has been recovered from the possession of the petitioner. Petitioner was not apprehended at the spot. Petitioner is neither owner nor driver of the seized vehicle and he has no concern with the said liquor. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears criminal antecedent of one case in which he is on bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of Exclusive Special Judge,
Excise, Court No. II, Muzaffarpur in connection with Maniyari
P.S. Case No. 69 of 2024, subject to the conditions as laid down
under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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