

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46002 of 2024**

Arising Out of PS. Case No.-34 Year-2014 Thana- GOVERNMENT OFFICIAL COMP.  
District- East Champaran

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Jalindra Sahni S/O Khublal Sahni R/O Village-Mushwa Bherihari,P.S.-  
Sugauli,Distt-East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv  
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      24-07-2024                      Heard Mr. Rahul Dev, learned counsel for the  
  
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 34 of 2014 registered under Section 47(a) (f) of the Bihar Prohibition and Excise Act lodged on 12.03.2014 by the informant, Fulwant Kumar.

3. As per the prosecution story, the informant upon secret information reached the place, the accused managed to escape and there was a recovery of 800 litres semi prepared liquor from the backyard of the petitioner's house. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery/seizure is from the backyard of the house which in no



way can be attributed to him. The *Chowkidar*, due to enmity gave the name of the petitioner and he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that it has been recovered/seized from his backward.

6. Considering the submissions put forward by learned counsel for the petitioner as also that the recovery/seizure is from an open place, he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court No. 02, East Champaram at Motihari in connection with Motihari Excise P.S. Case No. 34 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Jagdish/Vijay-

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