

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47836 of 2024**

Arising Out of PS. Case No.-71 Year-2024 Thana- MAKER District- Saran

BIRENDRA SAHANI @ VIRENDRA SAHANI @ BAHARAN SAHANI
SON OF SHUBHAS SAHANI @ SUVAS SAHANI VILLAGE-
MURAHIIYA, BALIGAON, P.S.- MAKER, DISTT.- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49578 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- MAKER District- Saran

Chathu Kumar Sahani @ Chathu Kumar @ Chhathu Kumar Son of Nagina
Sahani Resident of Village - Hasanpura Murahiya (Murahiya), P.S.- Maker,
District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47836 of 2024)

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 49578 of 2024)

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

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

2 14-08-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Maker P.S. Case No. 71 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 27.03.2024 by the informant, Shashi Ranjan.



3. As per the prosecution story, the informant upon information went to conduct raid against the wine sellers and in course thereof intercepted a scooty. While two persons managed to escape after leaving the motorcycle. The person apprehended was Raja Kumar and he gave the name of the other persons as Virendra Sahani and Chhathu Kumar Sahani, the two petitioners in the bail petitions. From the Scooty, there is a recovery/seizure of 30 liters of country-made wine. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that so far as the motorcycle is concerned it belongs to the petitioner, Chhathu Kumar Sahani which was given to his friend, Raja Kumar and only because it is in his name, implicated.

5. Learned APP opposes the prayer stating that the person who has been apprehended has given the name of these two petitioners and the motorcycle belongs to Chhathu Kumar Sahani.

6. Having gone through the facts of the case as also the submission, there is 30 liters recovery from the motorcycle but not from the conscious possession of either of the petitioners. The motorcycle has already been seized and law will take its own course.

7. In view of the fact that nothing has been recovered



from their conscious possession, this Court is inclined to grant them the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Maker P.S. Case No. 71 of 2024 subject to the conditions 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 petitioners who shall provide official document to show their bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioners 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 the bail bonds;

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

(Rajiv Roy, J)

Adnan/-

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