

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50786 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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Hari Sahni @ Hari Lal Sahni, Son of Late Uttam Sahni, R/O Village- Dhoi
Devari, P.S.- Sadar, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Darbhanga Sadar P.S. Case No. 160 of 2024 for the offence under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about the petitioner keeping illicit liquor in his house. A raid was conducted and a person fled away from the spot and recovery of 20 liters country made *chulai* liquor was made from the backside of the house of the petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from the conscious possession of the petitioner. From the seizure list, it is apparent that recovery has been made from the backside of the house of the petitioner which is an open place and the petitioner could not be fastened with the liability of the seized liquor. The petitioner has no concern with the recovered liquor which was seized from the road side. The petitioner is having clean antecedent.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and the recovery has been shown from an open place and further considering the possibility of false implication and clean antecedent of the petitioner, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-1, Darbhanga, in connection with Darbhanga



Sadar P.S. Case No. 160 of 2024, subject to the condition laid down under Section 438 (2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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