

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54014 of 2024

Arising Out of PS. Case No.-1283 Year-2023 Thana- Excise P.S. District- Darbhanga

Rajesh Sahani Son of Akalu Sahani Resident of Village - Chhitauna, P.S.- Hayaghat, District - Darbhanga (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinay Kumar Mishra
For the Opposite Party/s	:	Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-08-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Darbhanga Sadar Excise P.S. Case No. 1283 of 2023 (G.O. Case No. 2062 of 2023) dated 15.10.2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Amended Act, 2018.

3. As per prosecution case a total quantity of 16 liters of country made liquor has been recovered from the dickey of a Black colour T.V.S. motorcycle bearing Registration No. BR07AH2451.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He submits that the petitioner is not named in the F.I.R. The petitioner is the owner of the seized motorcycle which was being driven by his brother-in-law namely, Premlal Sahani inasmuch as his brother-in-law



borrowed the motorcycle for some necessary work. The petitioner was not apprehended on the spot. The petitioner has got no criminal antecedent. No illicit liquor has been recovered from the conscious possession of the petitioner.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner and the petitioner has got no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Ist, Darbhanga / court concerned in connection with Darbhanga Sadar Excise P.S. Case No. 1283 of 2023 (G.O. Case No. 2062 of 2023) subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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