

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54888 of 2024

Arising Out of PS. Case No.-75 Year-2024 Thana- BANJARIA District- East Champaran

Sunil Sahani S/o Babulal Sahani R/o Vill. Jhakiya Ps. Banjariya Dist. East
champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard Mr. Priyesh Kumar, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Banjariya P.S. Case No. 75 of 2024 for the offence registered under sections 272, 273 of the Indian Penal Code read with Sections 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 03.05.2024 by the informant Indrajeet Paswan.

3. As per the prosecution story, the informant alleged that on secret information that one Sunil Sahani is selling illicit liquor in his house, the police reached there, found a person fleeing away, the locals gave the name of this petitioner. Further, from the house there is recovery of 208.875 illicit liquor. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the recovery is from a joint house and not from his conscious possession, only because he has a criminal antecedent, implicated. Further, the petitioner gives an undertaking that in case, he is



implicated in any further criminal case relating to the same sections, even this relief, if granted be cancelled. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 5,000/- to the District Legal Services Authority, East Champaran, Motihari (to be used exclusively for the purchase of journals).

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

6. Taking into account the submissions as also the fact that nothing has been recovered from his conscious possession rather it is from the joint house, FIR lodged and he will be facing the trial, this Court is inclined to grant him the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- to the District Legal Services Authority, East Champaran, Motihari as undertaken by the learned counsel for the petitioner.

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 Special Judge Excise Court No. 1, East Champaran, Motihari in connection with Banjaria P.S.



Case No. 75 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year 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 the 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)

Vijay Singh/-

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