

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55608 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- BANJARIA District- East Champaran

1. GUDDU SAHANI SON OF SURESH SAHANI @ SURESH SAHNI
RESIDENT OF VILLAGE - CHICHUAHIYA, P.S. - BANJARIYA,
DISTRICT - EAST CHAMPARAN
2. SUJAY SAHANI SON OF GANDHI SAHANI RESIDENT OF VILLAGE -
CHICHUAHIYA, P.S. - BANJARIYA, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-09-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Banjariya P.S. Case no. 27 of 2024, registered under sections 272, 273 and 34 of the Indian Penal code and sections 30(a) and 41 of the Bihar Prohibition & Excise Act, 2016.

3. As per the prosecution case, the informant states that on receiving secret information about the petitioners being involved in manufacture and sale of liquor, a raid was conducted. While the petitioners managed to escape, a total of 50 litres of country liquor was recovered.

4. Learned counsel for the petitioners submits that



while in the FIR, the two petitioners have been described as traders in illicit liquor, it is categorically stated in reference to the order of the learned Court below as also the statement made in paragraph no.3 of the petition that the petitioners have no criminal antecedent. No incriminating article has been recovered from the petitioners' possession and they have no concern with the seized articles or the place of its seizure. They undertake to cooperate in the case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., no incriminating article having been recovered from the petitioners' possession, their not having any concern with the land from which the alleged seizure took place and specially the petitioners not having any antecedent under the Bihar Prohibition & Excise Act, 2016, it is directed that both the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Banjariya P.S. Case no. 27 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of the learned
Special Judge, Excise Court no.1, Motihari, East Champaran.

(Partha Sarthy, J)

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