

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52754 of 2024

Arising Out of PS. Case No.-152 Year-2024 Thana- DURAULI District- Siwan

1. Nami Sahani @ Nammi Sahani Son of Bhola Sahani R/o Village- Malhni,
P.S.- Darauli, District- Saran
2. Punarmasi Sahni Son of Sumar Sahni R/o Village- Narayanpur, P.S.-
Darauli, District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 02-08-2024 1. Heard learned counsel for the petitioners as well
as learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise
Act in connection with Darauli P.S. Case No.152 of 2024.

3. The learned counsel for the petitioners submit that
the petitioners are person with clean antecedent and the
allegation is of recovery of 200 liters of liquor from an old



wooden boat near Mohalni Ghat Darauli.

4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and they are not the owner of the seized boat and they came to be implicated at the instance of local people, but then it is submitted that police in majority of the cases implicates either at the instance of Chowkidar or local person in mechanical manner without holding proper investigation, when petitioners admittedly are persons with clean antecedent.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise) Court No. I, Siwan in connection with Darauli P.S. Case No.152 of 2024, subject to the conditions laid down under



Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioners have antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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