

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54002 of 2024

Arising Out of PS. Case No.-411 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

1. Nandu Sahni S/o- Late Raj Kumar Sahni Village- Sahdullahpur Ps- Ahiya-
pur Dist- Muzaffarpur
2. Ritesh Sahni @ Ritesh Kumar son of Sanjay Sahni Village- Sahdullahpur
Ps- Ahiyapur Dist- Muzaffarpur
3. Uma Devi wife of Sanjay Sahni Village- Sahdullahpur Ps- Ahiyapur Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Ranjan
For the Opposite Party/s	:	Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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

2. The petitioners apprehend their arrest in connection with Ahiyapur P.S. Case No. 411 of 2024 dated 24.03.2024 registered under Sections 30 (a) of the Bihar Prohibition and Excise (Amended) Act 2022.

3. Prosecution case in brief is that Police got secret information that the petitioners have concealed illicit liquor near their house in the vacant land of late Raj Kumar Sahni and covered it with straw, reached at the place of occurrence and upon search from the vacant land of Raj Kumar Sahni a total quantity of 67.605 liters of foreign liquor has been recovered.



4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case by the Police with oblique motive and they have not committed any offence in the manner alleged. He further submits that the petitioners were not arrested on the spot and their name has surfaced in this case on the identification by the local Chowkidar. He also submits that alleged recovery has been made from a vacant land situated near the house of the petitioners, which is an open space accessible to all and sundry. He also submits that seizure list has been prepared in violation of Section 100 Cr.P.C.

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 petitioners and / or premises belonging to them rather the same has been recovered from a vacant land accessible to all and sundry, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 1, Muzaffarpur / court con-



cerned in connection with Ahiyapur P.S. Case No. 411 of 2024
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anil Kumar Sinha, J)

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