

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52314 of 2024**

Arising Out of PS. Case No.-1310 Year-2023 Thana- TURKAULIYA District- East
Champaran

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AMIR SAHANI SON OF MOHAN SAHANI RESIDENT OF VILLAGE -
RAGHUNATHPUR, P.S. - RAGHUNATHPUR, DISTRICT - EAST
CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable u/s 272, 273 of the IPC
and 30 (a), 41(1) of Bihar Prohibition and Excise Act, 2022.

3. Altogether 53 liters of country made liquor is said to
have been recovered from the spot and it is alleged that
petitioner fled away on seeing the police.

4. It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. He has been falsely implicated in this case due to
ulterior motive. No incriminating article has been recovered
from the conscious physical possession of the petitioner. He has



no concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot and his name transpired in the case on the disclosure of his name by local people. The place of recovery does not belongs to the petitioner. Petitioner has three criminal antecedent, out of which, one is in similar nature of offence.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Turkauliya P.S. Case No.1310 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

- (i) That one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the account of Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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