

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52542 of 2024

Arising Out of PS. Case No.-292 Year-2023 Thana- HARSIDHI District- East Champaran

BIKESH SAHANI @ VIKASH SAHANI S/O MISHRILAL SAHANI R/O
VILLAGE- DAMOBRITI, P.S- HARSIDHI, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 28-08-2024

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Harsidhi P.S. Case No. 292/ 2023 dated 05.05.2023 registered for the offence(s) punishable under Section(s) 272, 273 of the Indian Penal Code and under section 30(a) of the Bihar Prohibition & Excise Act.

3. Mr. Abhishek Kumar, learned counsel for the petitioner submits that petitioner has been falsely implicated in this case as he is not the owner of the *Chawar* from which the recovery of alleged liquor was made and he has no concern with the alleged recovered liquor and the place of the recovery and the petitioner's name has surfaced in this case only on the basis of disclosure made by the village *Chowkidar*. It is further submitted that the alleged recovery has been made from a place



which is accessible to public at large and the petitioner has got fair and clean antecedent.

4. Mr. Arun Kumar, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the facts and circumstances of this case as well as submissions noted above and also the facts that the alleged recovery is said to have been made from a bush situated near a *Chawar* in the village area and the petitioner's name has surfaced in this case on account of disclosure made by the village *Chowkidar* and relating to manufacturing of illicit liquor the prosecution has mainly relied upon the disclosure made by local *Chowkidar* and except this there is no other material to show the petitioner's involvement in the alleged crime and he has taken the plea that he has no ownership over the place of recovery and has got fair and clean antecedent and is not involved in any similar type of offence, in view of statement made in paragraph 3 of this bail petition, in my opinion, petitioner has made out a prima facie case for grant of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Harsidhi P.S. Case No. 292/



2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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