

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59191 of 2024

Arising Out of PS. Case No.-1054 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Bhuneshwar Sahani SON OF NAGINA SAHANI VILLAGE- JHAKHIYA,
PS- BANJARIYA, DIST- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhurendra Kumar
For the Opposite Party/s : Ms. Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 19-08-2024 1. 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 under Sections 30(a) and
41(1) of the Bihar Excise Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and allegation is of
recovery of 65 liters of liquor from bank of a river.
4. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and even the alleged
recovery is from a place which does not belong to the petitioner
and is accessible to public at large and he came to be implicated



at the instance of *Chowkidar*. It is further submitted that in majority of the cases police implicates accused persons either at the instance of *Chowkidar*, local person, secret information or confessional statement without holding a proper investigation in mechanical manner.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Turkauliya (Banjariya) P.S. Case No. 1054 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than two cases in that event, the present anticipatory bail order shall not be given



effect to.

8. Today, 28 cases relating to excise were taken up. In 28 cases, there were 30 petitioners, out of which 16 petitioners were persons with clean antecedent, further in 13 cases the recovery is less than 30 liters of liquor, further in few cases the recovery was in between 1 liter to 10 liters, as such, the total amount of liquor alleged to have been seized is 7967.57 liters.

(Satyavrat Verma, J)

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