

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58279 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- BANJARIA District- East Champaran

1. BOTU SAHANI S/O LATE BHUTELI SAHANI R/O VILLAGE- JHAKHIYA, P.S- BANJARIYA , DISTT.- EAST CHAMPARAN.
2. UMESH SAHANI S/O BOTU SAHANI R/O VILLAGE- JHAKHIYA, P.S- BANJARIYA , DISTT.- EAST CHAMPARAN.
3. VIJAY SAHANI S/O LATE LANGAR SAHANI R/O VILLAGE- JHAKHIYA, P.S- BANJARIYA , DISTT.- EAST CHAMPARAN.
4. RAM CHANDRA SAHANI S/O LATE PETU SAHANI R/O VILLAGE- JHAKHIYA, P.S- BANJARIYA , DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-08-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code read with Sections 30(a), 41 and 45 of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners are person with clean antecedent and allegation is of recovery of 272.273 liters of liquor from a place near the shop of Golu Sahni.



4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was recovered from their 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 they have no concern or relation with Golu and they came to be implicated at the instance of *Chowkidar*. It is also submitted that police, in majority of the cases, implicates accused either at the instance of *Chowkidar*, local person, secret information or confessional statement in a mechanical manner without holding proper investigation when petitioners admittedly are persons with clean antecedent.

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

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) each 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 Banjariya P.S. Case



No. 119 of 2024 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 petitioners shall verify their criminal
antecedent and in the event if it is found that any of the petitioners
have antecedent of even one case in that event, the present
anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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