

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58621 of 2024

Arising Out of PS. Case No.-214 Year-2024 Thana- BACHHWARA District- Begusarai

Anil Sahani @ Anil Kumar Sahani Son of Chandradev Sahni Resident of
Village - Bharaul, P.S. - Bachhwara, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha
For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-08-2024 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 Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case as pleaded in the supplementary affidavit and allegation is of recovery of 14.220 liters of liquor from straw hut of the petitioner.

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 hut from where the alleged recovery is made does not belong to the petitioner as pleaded at Para-8 of the anticipatory bail



application. It is further submitted that police in mechanical manner implicates even without holding a proper investigation.

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. 5,000/- (Rupees Five 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 Bachhwara P.S. Case No. 214 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 petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than one case in that event, the present anticipatory bail order shall not be given effect to.

8. Today, 30 cases relating to excise were taken up. In 30 cases, there were 37 petitioners, out of which 14 petitioners



were persons with clean antecedent, further in 15 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 8422.73 liters.

(Satyavrat Verma, J)

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