

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62498 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- LAKHAURA District- East Champaran

1. Mithu Sahani Son of Ramjee Sahani @ Ramaji Sahani Resident of Village - Katahan Loknathpur, P.S. - Muffasil, District - East Champaran
2. Satan Sahani Son of Parau Sahani Resident of Village - Katahan Loknathpur, P.S. - Muffasil, District - East Champaran
3. Laloo Sahani Son of Bula Sahani Resident of Village - Katahan Loknathpur, P.S. - Muffasil, District - East Champaran
4. Manoj Sahani Son of Parau Sahani Resident of Village - Katahan Loknathpur, P.S. - Muffasil, District - East Champaran
5. Gulden Sahani @ Gulte Sahani Son of Achchhelal Sahani Resident of Village - Katahan Loknathpur, P.S. - Muffasil, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024 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 30(a), 32 and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of five cases, petitioner no. 2 and 5 are persons with clean antecedent, petitioner no. 3 has antecedent of one case and petitioner no. 4 has antecedent of



three cases.

4. Allegation is of recovery of 200 litres of liquor from a place near the bank of Sikrahana River.

5. 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 petitioners and is accessible to public at large. It is next submitted that petitioners came to be implicated at the instance of the local persons but then it is submitted that the police in majority of the cases implicate either at the instance of the Chawkidar, local person, secret information and confessional statement in a mechanical manner without holding proper investigation of the case.

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

7. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) each with two sureties of the



like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Lakhaura P.S. Case No. 73 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than five cases, petitioners no. 2 and 5 have antecedent of even one case, petitioner no. 3 has antecedent of more than one case and petitioner no. 4 has antecedent of more than three cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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