

Arising Out of PS. Case No.-346 Year-2019 Thana- PATAHI District- East Champaran

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Anand Sahani @ Anandi Sahani Son of sunder Sahni Village- Belwa
Narkatiya tola, Ps- Piprahi, dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-10-2024 **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), 37(d), 38 and 41 of the Bihar Excise Act and Section 414 of the IPC.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of five cases and allegation is of recovery of 489 litres of liquor from a motorcycle and an orchard.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and is not the owner of the seized motorcycle. It is next submitted that he came to be implicated based on confessional statement of Jinis in police custody which does not have any evidentiary value. It is also submitted that once an accused is implicated in a case relating to excise, the police starts



implicating mechanically and at times to save the real culprit.

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. 25,000/- (Rupees Twenty-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 Patahi P.S. Case No. 346 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that the petitioner has antecedent of more than five cases, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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