

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67670 of 2024

Arising Out of PS. Case No.-560 Year-2019 Thana- SUGAULI District- East Champaran

1. Merolal Sahani @ Meralal Sahani S/o Kailash Sahani R/o Village - Mushwa Bherihar (Bhedihari) P.S. Sugauli District- East Champaran
2. Jalindar Sahani @ Jalendra Sahani S/o Ramgir Sahani R/o Village - Mushwa Bherihar (Bhedihari) P.S. Sugauli District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The learned counsel for the petitioners seeks permission to rectify the alias name of petitioner no.1 as Merelal Sahani instead of Meralal Sahani during course of the day.
3. Permission is accorded.
4. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Excise Act.
5. The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of three cases and allegation is of recovery



of 40 litres of liquor from North of Brahmsthan near bank of a river.

6. The 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 alleged recovery is from a place, which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of local person, but the name of the person, who disclosed the name of the petitioners is not disclosed in the F.I.R., which cast an aspersion on the case of the prosecution.

7. Learned A.P.P. opposes the anticipatory bail application.

8. 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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, East Champaran at Motihari in connection with Sugauli P. S. Case No.560 of 2019, subject to the conditions laid



down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than two cases and petitioner no.2 has antecedent of three cases, in that event, the present anticipatory bail order shall not be given effect to.

11. Today, 40 cases relating to excise were taken up. In 40 cases, there were 47 petitioners, out of which, 20 petitioners were persons with clean antecedent. Further, in 9 cases, the recovery was less than 30 litres of liquor, as such, total amount of liquor alleged to have been seized is 20099.333 litres of liquor along with 8360 litres of spirit and 450 grams of ganja.

(Satyavrat Verma, J)

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