

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70148 of 2023

Arising Out of PS. Case No.-1626 Year-2023 Thana- Excise P.S. District- East Champaran

1. Sunil Sahani Son Of Chhathu Sahani @ Chhathu Sahni Resident Of Village - Kharwa Naya Tola, Jhakhiya, P.S. - Banjariya, District - East Champaran
2. Ravi Sahani Son Of Chhathu Sahani @ Chhathu Sahni Resident Of Village - Kharwa Naya Tola, Jhakhiya, P.S. - Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-01-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 31 liters of illicit liquor of different brands is said to have been recovered from two rooms. Petitioners were not apprehended on the spot. Petitioners have no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioners is not specific rather general and omnibus in nature.



The name of the petitioners transpired by local people as who fled away from the spot. Petitioner no.1 has five criminal antecedent, in which four are of similar nature and petitioner no.2 has two criminal antecedents of similar nature as mentioned in para-3 of this application.

4. Learned APP for the State opposes the prayer for bail of the petitioner.

5. Petitioner no.1 is agreed to deposit a sum of Rs.25,000.00 (Rupees Twenty Five Thousand) and petitioner no.2 is agreed to deposit a sum of Rs.15,000.00 (Rupees Fifteen Thousand) in account of Mahavir Cancer Sansthan, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Excise Case No. 1626 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C,



subject to the further conditions that

(i) The one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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