

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69920 of 2024

Arising Out of PS. Case No.-486 Year-2023 Thana- HARSIDHI District- East Champaran

Upendra Sahani S/o Kari Sahani R/o Village- Ghorasahan Bairiya, P.S.-
Harsidhi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Harsidhi P.S. Case No. 486 of 2023 registered for the offences punishable under Sections 272, 273, 353, 504, 34 of the I.P.C. and Sections 30(a), 30(D) 32, 34, 36, 41(i) of the Bihar Prohibition and Excise Act.

3. 3. As per prosecution case, on 31.07.2023, the informant got secret information that petitioner alongwith other was manufacturing liquor in the mango orchard of co-accused Sanjay Kumar Singh. Thereafter, informant alongwith police officials reached on the spot and recovered 350 litre spirit from the mango orchard of co-accused Sanjay Kumar Singh. Four co-accused persons were apprehended on the spot and petitioner



alongwith other succeeded in fleeing away from the place of occurrence.

4. Learned counsel further submits that in the F.I.R., it has been mentioned that the name of the petitioner has been surfaced in this case on the basis of confidential information but the source of information has not been disclosed in the F.I.R. Hence, the authenticity of the F.I.R. is doubtful. He further submits that the alleged recovery has been made from the mango orchard of co-accused Sanjay Kumar Singh. Petitioner has nothing to do with the alleged occurrence. He is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of two cases in which he is on bail. He further submits that petitioner has falsely been implicated in the present case on the basis of his criminal antecedents. No incriminating article has been recovered from the possession of the petitioner. Petitioner was not found at the place of occurrence. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Motihari, East Champaran in connection with Harsiddhi P.S. Case No. 486 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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