

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70624 of 2024**

Arising Out of PS. Case No.-90 Year-2024 Thana- ARER District- Madhubani

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Mahesh Sahni S/O Bhogendra Sahni Resident of Village- Ekatarra, Police  
Station- Arer, Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      30-09-2024                      1. Heard learned counsel for the petitioner as well as  
learned APP for the State.

2. The petitioner seeks bail in anticipation of his  
arrest in a case registered for the offences punishable under  
Sections 274, 275, 3(5) of the IPC and 30(a) of the Bihar  
Prohibition and Excise Act in connection with in connection  
with Arer P.S. Case No.90 of 2024.

3. The learned counsel for the petitioner submits that  
at para-3 it has been pleaded that petitioner is a person with  
clean antecedent when he has antecedent of two cases. It is next  
submitted that allegation is of recovery of 378 liters of liquor  
from a bamboo orchard.

4. It is next submitted that petitioner was not arrested  
from the spot as such nothing was recovered from his conscious  
possession and even alleged recovery is from a place which



does not belong to the petitioner and is accessible to public at large and he came to be implicated at the instance of local person, but then it is submitted that police in majority of the cases implicates either at the instance of the 'Chowkidar', local person, secret information or confessional statement in a mechanical manner without holding proper investigation. It is also submitted that once a person is implicated in a case relating to excise, in that event the police starts implicating mechanically.

5. The learned APP for the State opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge Excise Act, Madhubani in connection with Arer P.S. Case No.90 of 2024, subject to the conditions 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 antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

**(Satyavrat Verma, J)**

Prakash Narayan

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