

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71758 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- BARGAINIA District- Sitamarhi

Jitendra Sahni Son of Yogendra Sahni Resident of Village- Madhu Chhapra,
PS- Bairagania, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bairagania P.S. Case No. 186 of 2024 dated 29.07.2024,
instituted for the offence punishable under Sections 30(a)(c) of
the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. The allegation is of recovery of 281.4 litres Nepali
Saufi liquor from four bags kept on three motorcycles.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that petitioner was not arrested at
the spot, the name of the petitioner has been dragged in this case
only on the basis of disclosure made by the local Chaukidar. It is
further submitted nothing has been recovered either from the



conscious possession or from the house of the petitioner. However seized motorcycles are not belong to the petitioner. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bairagania P.S. Case No. 186 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Sitamarhi, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.



3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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