

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71974 of 2023

Arising Out of PS. Case No.-592 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. Ajit Sahni S/O Late Binda Sahani R/O Village- Ismailpur, P.S- Hajipur Sadar, Distt.- Vaishali.
2. Ghantu Sahni S/O Late Binda Sahani R/O Village- Ismailpur, P.S- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kant Mani Tripathi

For the Opposite Party/s : Ms.Asha Devi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

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

3. Learned counsel for the petitioners submits that the Petitioner No. 1 is a person with clean antecedent and Petitioner No. 2 has antecedent of one case and allegation is of recovery of 70 litres of liquor from jute sacks kept in the *diyara* area.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and they came to be implicated at the instance of *Chowkidar* with whom they are on



an inimical term. It is next submitted that if the *Chowkidar* was aware that the petitioners had kept the liquor at the place of occurrence, then why the *Chowkidar* did not inform the police earlier rather implicated the petitioner after recovery, which casts an aspersion on the case of the prosecution.

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

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hajipur Sadar P.S. Case No. 592 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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