

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75529 of 2024

Arising Out of PS. Case No.-1181 Year-2024 Thana- Excise P.S. District- East Champaran

Byas Sahani Son of Babulal Sahani Resident of Village- Mehwa, P.S.-
Sugauli, District- East Chamaparan, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 1181 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 21.07.2024 by the informant, Sanjay Kumar Gupta.

3. As per the prosecution story, recovery of total 132 litres of country made liquor has been made from three motorcycles. On the place of occurrence, only one accused namely Suman Kumar was apprehended and the rest of the co-accused persons managed to escape.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. There is nothing recovered from the conscious possession of the petitioner and the name of the petitioner is appeared in this case only on the confessional statement made by the main accused – Suman Kumar.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case, it appears that nothing incriminating has been recovered from the conscious possession of the petitioner and his name has appeared in this case only on the statement of the co-accused before the Police. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. 2, Mothihari, East Champaran, in connection with Excise P.S. Case No. 1181 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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