

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76655 of 2024

Arising Out of PS. Case No.-1115 Year-2024 Thana- AHIYAPUR District- Muzaffarpur

Chandan Sahni Son of Naresh Sahni Resident of Village - Akbarpur, P.O.-
Mirzapur, P.S.- Ahiyapur, Anchal - Mushari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhusudan Kumar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Ahiyapur Police Station Case No. 1115 of 2024, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3 As per the prosecution case, on 19.08.2024, at 04:45 AM, informant along with other Police Officials, reached at Mahmudpur Chowk, Jhapaha. During night patrolling, he saw one red colour three wheeler Tempo standing there, after seeing the policemen, one person fled away leaving the Tempoo bearing Reg. No. BR06GC-0415. The name of the person who fled away has been disclosed by the local person, as Chandan



Sahni (petitioner). On search, they recovered 501.120 litre of foreign liquor of different brands

4. Learned Counsel for the petitioner submits that there is absolutely no prima-facie case made out against this petitioner. He further submits that nothing has been recovered from the possession of the petitioner and/or from the house/vehicle of the petitioner. He next submits that 501.120 litre of foreign liquor of different brands was recovered from the Tempoo stand near Mahmudpur Chowk, Jhapaha, and the petitioner has no concerned with the Tempoo. He further submits petitioner is neither the owner nor the driver of the Tempoo. Petitioner is having no criminal antecedent.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that nothing has been recovered from the possession of the petitioner and/or from the house/vehicle of the petitioner and the petitioner is neither the owner and nor the driver of the Tempoo, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court Excise-1, Muzaffarpur, in connection with Ahiyapur Police Station Case No. 1115 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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