

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77924 of 2024

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

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Pappu Sahani Son of Krishnadeo Sahni Village -karanpur Bochahan, Ps-
Bochahan, District -muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Anand
For the State	:	Mr. Akshay Lal Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-11-2024 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (hereinafter referred to as ‘the Act’).

3. The allegation against the petitioner, as per the First Information Report, is that on night patrolling duty, during vehicle check, police saw that one three wheeler tempo of red colour was standing and upon seeing the police party, one person succeeded in fleeing away. Upon search, police recovered 501.120 litres of foreign liquor. The name of the person who succeeded in fleeing away was disclosed by local



person as Chandan Sahni.

4. Learned Counsel for the petitioner submits that petitioner has been made accused due to the fact that he happens to be the owner of the vehicle, in question, which was sold in favour of Chandan Sahni and the same was being plied/driven by him at the time of seizure of the vehicle and illicit liquor. He next submits that local persons identified the co-accused Chandan Sahni who fled away from the place of occurrence. He further submits that similarly situated co-accused Chandan Sahni has been granted anticipatory bail by this Court in Cr. Misc. No. 76655 of 2024.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that petitioner has been made accused on the basis of his being the owner of the vehicle, whereas, according to the petitioner, the vehicle, in question, was sold in favour of co-accused Chandan Sahni who has been granted anticipatory bail by this Court, 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-I, 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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