

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76419 of 2024

Arising Out of PS. Case No.-256 Year-2024 Thana- MANJHI District- Saran

1. Rajendra Sahani Son of Ram Charan Sahani Resident of Vill- Chhottaki Fulwariya, P.S.- Manjhi, District- Saran
2. Chandaprakash Sahani @ Chandra Prakash Sahani Son of Late Dashrath Sahani Resident of Vill- Chhottaki Fulwariya, P.S.- Manjhi, District- Saran
3. Tuntun Sahani Son of Anirudh Sahani Resident of Vill- Chhottaki Fulwariya, P.S.- Manjhi, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 13-12-2024 1. Heard the parties.

2. The petitioners apprehend arrest in connection with Manjhi P.S. Case No. 256 of 2024 registered under Section 30, 30 (a) of the Bihar Prohibition & Excise Act 2022 (Amended).

3. The prosecution case as per the first information report is that on 18.08.2024 the Police on the basis of secret information that some persons are transporting liquor by boat near Saryu river at Matiyar Tola reached at bank of Saryu river at Matiyar Tola and saw one boat parked at the bank of the river and eight to nine persons were there on the boat and some were standing near it. On seeing the Police party, all the persons started fleeing



away and managed to escape. On search of the boat, 315 liters of illicit foreign liquor was recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case with ulterior motive. He further submits that the name of the petitioners transpired on the basis of disclosure made by the Mahal Choukidar. He further submits that the petitioners have neither any concern with the alleged recovered illicit liquor nor they are the owner of the boat in question. He further submits that there are no independent witnesses who have supported the prosecution version as well as no independent witness has signed on the seizure list. He further submits that similarly situated co-accused persons namely Vikash Kumar Singh (in Cr. Misc. No. 75399 of 2024), Nityanand Singh & Ashwani Kumar Singh (in Cr. Misc. No. 75578 of 2024) and Aashish Sahani (in Cr. Misc. No. 77523 of 2024) have been granted anticipatory bail by this Court. He further submits that the petitioners have got no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that petitioners are having no criminal antecedent and similarly situated co-accused persons have been granted anticipatory bail



by this Court, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of 2nd Exclusive Special Judge, Excise, Saran at Chapra in connection with Manjhi P.S. Case No. 256 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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