

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76319 of 2024

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

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1. Dinesh Sahani Son of Akshay Kumar Sahani Resident of Village - Chhotaki Fulwariya, P.S. - Manjhi, District - Saran
 2. Ganesh Sah @ Ganesh Kr. Sah @ Ganesh Kumar Sah Son of Parshuram Sah Resident of Village - Tajpur, P.S. - Manjhi, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. 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

- 7 29-11-2024 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State
2. This application, for grant of anticipatory bail, arises out of Manjhi Police Station Case No. 256 of 2024, dated 18.08.2024, disclosing offence under Sections 30/30(a) of the Bihar Prohibition and Excise Act, 2016.
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 carrying liquor by boat near Saryu river at Matiyar Tola, reached at the 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 local Chowkidar. 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 Criminal Misc. No. 75399 of 2024), Nityanand Singh, Ashwani Kumar Singh (in Criminal Misc. No. 75578 of 2024) and Aashish Sahani (in Criminal Misc. No. 77523 of 2024), have been granted anticipatory bail by this Court, vide order, dated 18.11.2024.



5. On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and submits that the petitioner no. 1 has got seven criminal antecedent, out of which four are of similar nature of offence and the petitioner no. 2 has got five criminal antecedents, out of which four are of similar nature of offences.
6. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the criminal antecedents of the petitioners, I am not inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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