

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81638 of 2024

Arising Out of PS. Case No.-1475 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Anil Sahni S/O Bharat Sahni Resident Of Village - Panapur Chakki, Ward No
07,P.S- Panapur O.P, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Excise P.S. Case No. 1475 of 2024, dated 15.08.2024, registered for the offences punishable under Section 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the allegation, there was secret information of the police that petitioner was carrying 12 litre of country made liquor to a market. When the police approached near the place of occurrence, the petitioner leaving the motorcycle fled away and 12 litre liquor was recovered from that motorcycle.

4. Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that petitioner is neither owner of the motorcycle nor was he driving the same nor was he present on the place of occurrence. Hence, no case is made out against the petitioner under the Excise Act and he is entitled to get anticipatory bail.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge (Excise-II), Muzaffarpur, in connection with Excise P.S. Case No. 1475 of



2024, subject to the conditions as laid down under Section 438
(2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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