

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2910 of 2024

Arising Out of PS. Case No.-251 Year-2023 Thana- BABUBARHI District- Madhubani

Ram Awatar Sahani @ Ram Awatar Sahni @ Ramabtar Sahni @ Ramauatar Sahni, (Male), aged about 53 years, Son of Late Faudar Sahni, Resident of Village-Balain, Police Station- Arer, District-Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md Soban Asghar, Advocate
For the Opposite Party : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-02-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with G.R. No. 1185 of 2023, arising out of Babubarhi P.S. Case No. 251 of 2023 dated 03.08.2023 registered for the offences punishable under Sections 272, 273/34 of the I.P.C. and Sections 30(a) and 37 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, 41.4 litres of Nepali country made liquor was recovered from the motorcycle in question.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. It is submitted that neither the motorcycle nor the liquor belong to the petitioner. It is further submitted that the motorcycle in question was already sold by the petitioner on 20.12.2022 to one Pappu Kumar Thakur, Madhubani, as annexed as Annexure-2 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. No case is made out against the petitioner.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Madhubani in connection with G.R. No. 1185 of 2023, arising out of Babubarhi P.S. Case No. 251 of 2023, subject to the condition as laid down under Section 438(2) of the Code of



Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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