

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33679 of 2025

Arising Out of PS. Case No.-56 Year-2024 Thana- BANJARIA District- East Champaran

Chhotelal @ Chhotan Sahani S/O Dasarath Sahani R/O Village- Jhakhiya,
P.S- Banjariya, Distt.- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-05-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Banjariya P.S. Case No. 56 of 2024 for the offence registered under sections 272, 273 of the IPC & Section 30(a), 41(i) of the Bihar Prohibition And Excise Act lodged on 16.04.2024 by the informant, Indrajeet Paswan.

3. As per the prosecution story, the informant alleged that the Police upon secret information, reached near the bank of river, though the accused escaped, the *Choukidar* named him as this petitioner. There is recovery/seizure of 30 litre country made liquor from the bushes. This led to the FIR.

4. Learned Counsel for the petitioner submits that only because of criminal antecedent and enmity, the *Choukidar*



has named him, the recovery/seizure is from an open place and he shall be diligently appearing in trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Considering the submissions of the parties as also the fact that the recovery/seizure is from an open place, not from his conscious possession, this Court is inclined to grant him the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 01, East Champaran at Motihari in connection with Banjariya P.S. Case No. 56 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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