

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75417 of 2024

Arising Out of PS. Case No.-493 Year-2024 Thana- MUFFASIL District- West Champaran

Krishna Sahani Son of Late Rikhi Sahani Resident of Village- Jiriya, P.S.-
Lauriya, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 76377 of 2024

Arising Out of PS. Case No.-493 Year-2024 Thana- MUFFASIL District- West Champaran

Dipak Kumar @ Dipak Sahani son of Laxman Sahani @ Lakshman Sahni
Village- Rajbhar, Ps- Majhauriya , Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 75417 of 2024)
For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 76377 of 2024)
For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 14-02-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel for

the petitioner and Mrs. Asha Kumari representing the State in **Cr.**

Misc. No. 75417 of 2024 and Mr. Suraj Kumar Tiwari, learned

counsel for the petitioner and Mr. Nand Kumar, learned APP for

the State in **Cr. Misc. No. 76377 of 2024**.

2. The petitioners are apprehending their arrest in
connection with Bettiah Muffasil P.S. Case No. 493 of 2024 for



the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 31.08.2024 by the informant, Raj Kumar Sah.

3. As per the prosecution story, the informant alleged that during evening patrolling, intercepted a four wheeler which tried to escape but was overturned and the accused escaped taking advantage of the darkness. Upon search, 840 liters of spirit were recovered/seized as also a smart phone from the vehicle. This led to the FIR.

4. Learned counsel for the petitioners jointly submit that as per the FIR itself, a driver was there, who escaped. Only because subsequently during investigation, one of the accused confessed, they have been dragged and one of the petitioner, Krishna Sahni has criminal antecedents making it easier for the Police to implicate him and the vehicle does not belong to either of the two petitioners. The Last submission is that without accepting the allegation and/or the outcome of the present petition, the petitioners intend to pay Rs. 15,000/- each (totalling Rs. 30,000/-) for fixation of steel benches at Valmiki Nagar river front near the Circuit House through Demand Draft issued by the local State Bank of India branch.

5. Learned APP in both the cases oppose the prayer submitting that Krishna Sahani, petitioner in Cr. Misc No. 75417



of 2024 has criminal antecedents.

6. Taking into account the aforesaid submissions as also the fact that nothing has been recovered from their conscious possession, the vehicle does not belong to them and the name has come in the confessional statement, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions subject to payment of Rs. 15,000/- each (totalling Rs. 30,000/-) as undertaken by the learned counsel for the petitioner to be paid to the Valmiki Nagar Forest Division-II, West Champaran by Demand Draft of local State Bank of India for the fixation of steel benches at Valmiki Nagar river front near the Circuit House and the receipt of work done has to be submitted before the Trial Court to be handed over by the Valmiki Nagar Forest Division-II to the Trial Court.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Bettiah, West Champaran, in connection with Bettiah Muffasil P.S. Case No. 493 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family



member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

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

(Rajiv Roy, J)

Adnan/-

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