

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76914 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- HARLAKHI District- Madhubani

1. Binod Sahnai @ Binod Sahni Son of Brihaspati Sahni @ Bajari Sahani Resident of village- Umgaon, P.s.- Harlakhi, District- Madhubani
2. Palat Sahni Son of Ramtahul Sahani Resident of village- Umgaon, P.s.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Vinod Kumar, Adv. Mr. Rajesh Kumar, Adv. Mr. Ravi Prakash, Adv. Mr. Udeshya Kumar Yadav, Adv. For the Opposite Party/s :
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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-02-2025 Heard Mr. Gagan Deo Yadav, learned counsel for the petitioners and the State.

2. The petitioners apprehend their arrest in connection with Harlakhi P.S. Case No. 84 of 2024 for the offence registered under sections 20, 22 of the N.D.P.S. Act and Section 272, 273 and 34 of the IPC lodged on 02.04.2024 by the informant L. Singfo.

3. As per the prosecution story, the informant alleged that they found some ladies coming from the Nepal side with certain sacks on their respective head. As they were intercepted, the allegation is that they threw the sack and escaped to Nepal



and later resorted to brick batting. Another confidential information got that one Manoj Sahni has stacked liquor whereafter, it was raided and there is allegation that on search from the house, there is recovery of 827 bottles of country made *Nepali liquor* of 300ml each and 450 gm of *ganja*. Further 546 bottles of country made Nepali liquor from Sahni Mohalla and the involvement of the host of accused persons have come, the petitioners being one of them. Accordingly, the FIR.

4. Learned Counsel for the petitioners submit that the recovery is allegedly from the house of Manoj Sahni whereas the other recovery is from Sahni Mohalla and only on the basis of secret information, the accused persons have been implicated, in that background, one Gita Devi has been extended relief in Cr. Misc. No. 60909 of 2024.

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

6. Taking into account the aforesaid facts as also that the two petitioners do not have criminal antecedent, nothing has been recovered from their conscious possession rather from the house of Manoj Sahni, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners 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 Court of Sessions Judge in connection with Harlakhi P.S. Case No. 84 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 petitioners, who shall provide official document to show his *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 his 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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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