

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86648 of 2024

Arising Out of PS. Case No.-237 Year-2024 Thana- BARGAINIA District- Sitamarhi

Ram Bharosh Sahni S/O Nagendra Sahni Resident of Village - Madhu
Chhapra, P.S- Bairagania, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Subodh Kumar, Advocate.
For the State : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Bairagania P.S. Case No. 237 of 2024 dated 14.09.2024, registered for the offence punishable under Section 30(a)(c) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, two sacs containing 224.40 litres of liquor have been recovered lying on Motorcycle. As per further allegation, the Motorcycle was being driven by the accused persons including the petitioner and seeing the Police Party, they fled away leaving behind the Motorcycle. As per the statement of *Chowkidar*, the persons who fled away were the accused persons including the petitioner.



4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that neither the Motorcycle in question belonged to the petitioner nor was he driving the said Motorcycle. He was not present at the place of occurrence. He also submits that petitioner has no connection with the alleged offence. Only on the basis of false identification by the local *Chowkidar*, the petitioner has been implicated in this case without any legal basis. Hence, no *prima facie* case is made out against the petitioner. He also submits that similarly situated co-accused namely, Arvind Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 12.12.2024 passed in Cr. Misc. 85188 of 2024.

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 been made accused in another case of similar nature.

7. Learned 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 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Sitamarhi, in connection with Bairgania P.S. Case No. 237 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any additional criminal antecedent, learned 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, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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