

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85978 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- BHAIROGANJ District- West
Champaran

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Sanoj Kumar Sahani @ Sanoj Sahani Son of Jiut Sahani Resident of Village -
Khajuri, Ward No.- 17, Police Station - Bhairoganj, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1
For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 15-01-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
Bhairoganj P.S. Case No. 104 of 2024 dated 02.11.2024
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. As per the first information report it is alleged that a total
quantity of 2.16 liters of English wine, kept in a white colour
polythene, has been recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been implicated in this case at the
instance of his neighbour due to previous land dispute as
mentioned in paragraph no. 7 of the bail application. He submits
that during search and seizure the Police did not follow the
mandatory provisions of Section 100 Cr.P.C. He further submits



that the alleged recovery of illicit liquor has been made from the joint family house and nothing has been recovered from the conscious possession of the petitioner and / or premises belonging to him.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation and the fact that illicit liquor has not been recovered from the conscious possession of the petitioner and / or premises belonging to him, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Shri Parmod Kumar, learned Special Judge, Excise, Bagaha, West Champaran in connection with Bhairoganj P.S. Case No. 104 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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