

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87831 of 2024

Arising Out of PS. Case No.-326 Year-2024 Thana- AMNAUR District- Saran

Ajay Kumar Sahani S/O Jailal Sahani R/O village - Madhopur Bara , P.S-
Taraiya , Dist -Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Amnour PS. Case No.-326 of 2024 dated 30.09.2024, registered for the offences punishable under Sections 30(a), 33, 34 of the Bihar Prohibition & Excise Act, 2016.

3. As per allegation, 40 liters of illegal liquor has been found by the police lying on the road. The petitioner is alleged to have thrown it on the road and fled away after seeing the police.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery has been made from an open space and the petitioner has no connection with the



alleged offence and his name has been dragged only on the basis of suspicion without any legal basis. He also submits that no *prima facie* case is made out against the petitioner.

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 five other cases.

7. However, Ld. 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 Ld. Ist Special Excise Judge (Court)/Successor Court, Saran at Chhapra, in connection with Amnour PS. Case No.-326 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. 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, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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