

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54184 of 2024

Arising Out of PS. Case No.-148 Year-2024 Thana- MAKER District- Saran

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1. Rajesh Sahani @ Rajesh Kumar Son Of Maharaj Sahani Village- Murahi (Murahiyan) Ps- Maker, Dist- Saran At Chapra
 2. Lakhindra Sahani @ Lakhwindra Sahani Son Of Bhagwan Sahani Village- Murahi (Murahiyan) Ps- Maker, Dist- Saran At Chapra
 3. Pappu Sahani son of Sudim Sahani village- Baligaon , P.S- Parsa ,Dist - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 31-08-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Maker PS case no. 148 of 2024, disclosing offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.
3. The prosecution story, as per the First Information report, is that the police, upon secret information, reached at the Diyara area and from the said place, 300 liters of illicit countrymade liquor has been recovered kept in 08 jute bags.
4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and his name



surfaced in this case upon disclosure made by the local chowkidar. He further submits that the illicit liquor was not recovered from the conscious possession of the petitioner rather it recovered from Diyara area, which is an open space.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner and his name transpires in this case on the basis of statement of local chowkidar, which has got no evidentiary value, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special (Excise) Judge, Saran at Chapra in connection with Maker PS case no. 148 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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