

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24839 of 2016

Arising Out of PS.Case No. -16 Year- 2015 Thana -GOVERNMENT OFFICIAL COMP. District- SITAMARHI

1. Sone Lal Sahni, s/o Deoki Sahni, resident of Village- Mahindwara, P.S.- Runni Saidpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Rajendra Singh Shastri(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 15-07-2016 The certified copy of the First Information Report of Case No. C-2/16/2015 has been filed on behalf of the petitioner, let the same be kept on record.

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Case No. C-2/16/2015, disclosing offence under Section 47 (a) of the Bihar Excise Act.

Allegedly, from the house of the petitioner, 70 litres of spirit, one packing machine, 200 packets of country-made wine, each containing 200 ml., one empty drum and certain other materials, were recovered. Allegedly, the petitioner had fled away on seeing the Police.

Learned Counsel appearing on behalf of the



petitioner has submitted that this is the first occasion when the petitioner has been made an accused of an offence punishable under Section 47 (a) of the Bihar Excise Act. It has further been submitted that the seizure list does not contain signature of any of the members of the petitioner's family, which is, therefore, in breach of Section 100 (6) of the Code of Criminal Procedure.

Considering the facts and circumstances, and the submission that the petitioner has been implicated for the first time in a case under the provisions of the Bihar Excise Act, this application is allowed.

Let the petitioner, Sone Lal Sahni, 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 Judicial Magistrate, 1st Class, Sitamarhi, in connection with Case No. C-2/16/ 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be

cancelled.



(Chakradhari Sharan Singh, J.)