

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4668 of 2017

Arising Out of PS.Case No. -180 Year- 2016 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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1. Raj Kumar Sahni @ Raj Kumar Chaudhary, Son of Khakhar Sahni @
Khakhar Chaudhary, Resident of Village- Shambhupatti, P.S.- Muffassil,
District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha.
Mr. Manish Mohan Kateryar
For the Opposite Party/s : Mr. S. Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-02-2017 The petitioner is in custody since 22.11.2016 in

connection with Samastipur Muffasil P.S. Case No. 180 of 2016,

registered for offences punishable under Sections 272, 273 of the

Indian Penal Code and Section 47(A) of the Excise Act and

Section 57 of New Bihar Excise (Amendment) Act, 2016.

Allegation is of recovery of 65 litres of indian made
foreign liquor.

It has been submitted on behalf of the petitioner that the
seizure list itself shows that the alleged recovery has not been
made from the house of the petitioner rather the same was made
from the house of brother of the petitioner and petitioner has
nothing to do with the said recovery and he has been in judicial
custody for about three months.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that the
alleged recovery has not been made from the conscious possession



or from the house of the petitioner rather the same, as per seizure list, was recovered from the house of the brother of the petitioner let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V, Samastipur, in connection with Samastipur Muffasil P.S. Case No. 180 of 2016, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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