

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70308 of 2018

Arising Out of PS. Case No.-104 Year-2018 Thana- DEODHA District- Madhubani

Sunil Kumar Sahni. Son of Rameshwar Sahni, Resident of Village-Gumari,
Tola Baira, P.S.-Jainagar, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-12-2018

Heard learned counsel for the parties.

The petitioner seeks bail in Deodha Police Station Case No. 104 of 2018/G.R. No. 1281 of 2018, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

According to the case of the prosecution, the Police party, upon a secret information, were about to conduct a raid and they saw three persons fleeing away from a place. The Police are said to have arrested them subsequently and brought them to to the place from where they had fled away. It is alleged that the Police recovered 240 litres of Nepali country made wine. The petitioner was also apprehended.



Learned counsel, appearing on behalf of the petitioner has submitted that the confession, as referred to in the first information report is completely manoeuvred and there was no confession of any overt act by the petitioner. He secondly contends that it is evident from the first information report that there has been no recovery from the possession of the petitioner.

I, *prima facie*, find substance in the submission made on behalf of the petitioner, which has been stated in paragraph 3 of the application that the petitioner has no criminal antecedent.

It is submitted on behalf of the petitioner that he has no criminal antecedent.

Learned counsel for the petitioner submits that if he is again implicated in similar type of offence, the Court may consider the cancellation of his bail, if allowed in the present case.

Considering the above submission, this application is allowed.

Let the petitioner, Sunil Kumar Sahni, 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 Additional District & Sessions Judge 2nd Cum Special Judge Excise Ac, Mahdubani/Incharge Successor Court in



Deodha P.S. Case No. 104 of 2018/G.R. No. 1281 of 2018.

(Chakradhari Sharan Singh, J)

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