

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28064 of 2018

Arising Out of PS. Case No.-311 Year-2016 Thana- KAHALGAON District- Bhagalpur

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Santosh Kumar Sahni @ Santosh Sahni, son of Kailash Prasad Sahni,
resident of village - Kagji Tola, Ward No. 8, Police Station- Kahalgaon,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 08-05-2018 Heard Sri Md. Najmul Hodda, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner, who is in custody since 14.4.2018
with clean antecedent, which fact has been stated in paragraph
no. 3 of the petition, has prayed for grant of bail in connection
with Kahalgaon P.S. Case No. 311 of 2016, registered for the
offence under Section 47 of the Bihar Excise Amendment Act,
2016.

Learned counsel for the petitioner has drawn my
attention to the F.I.R. i.e. Annexure – ‘1’ to the petition to show
that F.I.R. was lodged against unknown owner of a motorcycle
bearing registration no. BR10J2505. It was submitted by
learned counsel for the petitioner that subsequently a case was



made out as if the said motorcycle was sold to the petitioner, however, it has been claimed that ownership of the vehicle is running in the name of a different person in the office of D.T.O. It has been argued that since petitioner is a Ward Counsellor, he has falsely been implicated in the present case.

Be that as it may, since F.I.R. was lodged against unknown, petitioner is having clean antecedent and only on the basis of statement of someone, who has claimed to be the earlier owner of the vehicle and said regarding transferring the vehicle to petitioner without its registration in the name of petitioner, there is no reason to further detain the petitioner.

Let the petitioner Santosh Kumar Sahni @ Santosh Sahni be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Bhagalpur / concerned court in connection with Kahalgaon P.S. Case No. 311 of 2016.

(Rakesh Kumar, J)

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