

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10052 of 2019

Arising Out of PS. Case No.-475 Year-2018 Thana- MAJORGANJ District- Sitamarhi

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MANOJ SAHNI, S/o Jagan Sahni, Resident of Village-Kodavara, P.S-
Sahiara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv.

For the Opposite Party/s : Mr. Indra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 20-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 24.12.2018 in a case registered for the offences punishable under Sections 272 and 273 of the IPC and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from the motorcycle of the petitioner, 36 litres of Nepali country made liquor namely, *Soufi* were recovered.

It is submitted by learned counsel for the petitioner that nothing has been recovered from the conscious physical



possession of the petitioner and the petitioner is in custody for more than two months. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by the learned APP for the State that the recovery has been made from the motorcycle of the petitioner.

Considering the quantity of recovery, period under custody and prosecution does not suggest that the actual ownership of the motorcycle has been ascertained, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned **A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi**, in connection with **Majorganj P.S. Case No.475 of 2018**.

(Dinesh Kumar Singh, J)

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