

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84220 of 2019**

Arising Out of PS. Case No.-145 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

SIKANDAR SAHNI @ SIKINDRA KUMAR SAHNI Son of Ram Babu
Sahni Resident of Village- Dharpur, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Punam Shrivastava, Adv.
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 18-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 30 (c) and 30(f) of the Bihar Excise and Prohibition Act, 2016, as amended by Amendment Act 8 of 2018.

It is alleged that 70 litres of country made liquor has been recovered from the bamboo orchard of the petitioner.

It is submitted by learned counsel for the petitioner that admittedly the said recovery has been made from an open area, hence, it cannot be treated from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP for the State submits that the said recovery has been made from the bamboo orchard of the petitioner.

Considering the said recovery from an open area and 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 anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Muzaffarpur, in connection with Excise (Motipur Circle, Muzaffarpur) Case No.145 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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