

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3170 of 2020**

Arising Out of PS. Case No.-317 Year-2019 Thana- HARSIDHI District- East Champaran

OM PRAKASH SAHNI Son of Panna Lal Sahni Resident of Village-  
Kuwara, P.S.- Harsidhi, Distt- East Champaran. ... .. Petitioner/s  
Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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

2      28-02-2020                      Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Harsidhi P.S. Case No.317 of 2019 registered for the offence under Sections 272, 273, 308 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Ac, 2016.

As per prosecution case, recovery of 105 litre of country made liquor from three motorcycles.

Learned Counsel for the petitioner submits that petitioner has nothing to do with the alleged recovery as it was not recovered from the possession of the petitioner. It is further submitted that mandatory provision of Section 100 Cr.P.C has not been allowed with respect to search and seizure. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event his arrest/surrender



within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) cum IXth Additional Sessions Judge, East Champaran, Motihari in connection with Harsidhi P.S. Case No.317 of 2019 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

**(Prabhat Kumar Singh, J)**

SUMIT/-

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