

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7727 of 2020

Arising Out of PS. Case No.-262 Year-2019 Thana- HASANPUR District- Samastipur

Arvind Sahni, S/o Late Prabhu Sahni R/o village- Deodha, P.S.- Hasanpur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 11-06-2020 Heard Mr. Jitendra Narain Sinha, learned
counsel for the petitioner and Ms. Renu Kumari, learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Hasanpur P.S. Case No. 262 of 2019 dated 16.12.2019 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It has been submitted on behalf of the petitioner that there is a recovery of one (1) litre 260 ml of liquor from his house.

It has been submitted that this recovery has been wrongly shown to be from the house of the petitioner and that also for a reason. The petitioner was earlier made accused in two other cases of similar nature but considering the frivolousness of the allegation, he has been granted anticipatory bail in both the cases.



Apart from this, it has been pointed out by the learned counsel for the petitioner that the FIR which was registered on 16.12.2019 has been endorsed by the Chief Judicial Magistrate/Special Judge only on 19.12.2019 leading to an inference that the recovery and the lodging of the FIR is anti-dated. Apart from this, the further grievance of the petitioner is that the seizure list has not been served upon any family member of the petitioner.

Considering the aforementioned facts, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 2nd, cum Special Judge, Excise, Samastipur in connection with Hasanpur P.S. Case No. 262 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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