

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19407 of 2020

Arising Out of PS. Case No.-34 Year-2019 Thana- HATHAURI District- Muzaffarpur

Mithilesh Sahani Son of Surendra Sahani Resident of Village - Dakrama, P.S.-
Hathauri, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-06-2020 Heard learned counsel for the petitioner and
Additional Public Prosecutor for the State.

The petitioner seeks bail in **Hathauri P.S. Case No. 34 of 2019**, registered for the offence punishable under Sections 272, 273, 467, 468, 420, 120(B) and 34 of the Indian Penal Code, later on, sections 270, 228, 475, 472, 419 of the Indian Penal Code were also added, section 4/6 of Trade Mark Act and sections 30(a), 32(ii), 35, 36, 38(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

14.400 litres of foreign liquor and 7 litres of country made liquor are alleged to have been recovered from the house of this petitioner.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case. Nothing has been recovered from conscious possession of



this petitioner. The house in question is in joint possession. The provision of section 100 Cr.P.C has not been followed. There is no allegation of tampering with the evidence against this petitioner. Petitioner claims clean antecedent. Petitioner is in custody since 13.02.2020.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail 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 Act, Muzaffarpur** in connection with **Hathauri P.S. Case No. 34 of 2019**, subject to the conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

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

(Prabhat Kumar Singh, J)

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