

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22169 of 2020

Arising Out of PS. Case No.-527 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Sunil Sahni Son of Ranjit Sahni Resident of Village - Nawada, P.S. - Motipur,
District - Muzaffarpur, Bihar ... Petitioner

Versus

State Of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Anish Kumar, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-08-2020 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the
offences punishable under Sections 30a/41(1) of the Bihar
Prohibition and Excise Act.

In course of search, 1200 liters of spirit is said to have
been recovered from a hut while the petitioner and three other
co-accused persons managed to escape.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in this case on
grudge and enmity. Petitioner has got no criminal antecedent
and he is in custody since 10.2.2020. Nothing has been
recovered from the possession of the petitioner nor the
petitioner has been arrested on the spot. He is no way concerned
with the recovery of spirit. The mandatory provision of law for
search and seizure given under section 100 Cr.P.C. has not been
followed.

Considering the quantity of recovery as well as the
period of custody of the petitioner, let the petitioner, above



named, be released 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 Special Judge, Excise Act, Muzaffarpur in Kati Police Station Case No. 527/2019 on the following conditions:-

(1) 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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)

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