

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80233 of 2019

Arising Out of PS. Case No.-211 Year-2019 Thana- LALGANJ District- Vaishali

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SUMAN SAHNI @ SUMAN KUMAR S/o Rameshwar Sahni R/o village-
Bilandpur @ Bilanpur @ Manikpur Pakri, P.S.- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 24-06-2020 Heard learned counsel for the petitioner as well as

learned APP through video conferencing.

Having been in receipt of confidential information regarding illegal storage/sale of wine by Baiju Mahto, Baidya Nath Mahto of village, Pakrikanth and Suman Sahni of Bilanpur after having it stored at the bank of a pond belonging to Suman Sahni, a raid was conducted wherefrom 1586.53 litres of wine have been seized. On query, the villagers disclosed that the same belongs to Baiju Mahto, Baidya Nath Mahto and Suman Sahni.

From perusal of the written report as well as case diary three peculiar events are visualizing and the first one suggests that in the written report there happens to be specific disclosure that before search and seizure when the villagers were requested to become witness, they refused and then they left the place. When the villagers left the place, then how and in what circumstance after recovery, villagers have disclosed regarding ownership that recovered wine belongs to Baiju



Mahto, Baidya Nath Mahto and Suman Sahni. The second aspect as is evident from the inspection of the P.O. recorded under para-11 that north and south, both sides, ponds of Jitan Sah has been shown in the boundary, that means to say, the place was within the boundary of the pond, then in that circumstance, there should not have been presence of others at eastern as well as western boundary of the pond. The third aspect reveals that neither survey plot number has been described nor there happens to be any effort at the end of the I.O. in tracing out the ownership of the P.O.

Consequent thereupon, petitioner, **SUMAN SAHNI @SUMAN KUMAR** is directed be released on anticipatory bail in the event of arrest or surrender within four weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of **Additional Sessions Judge-II-Cum-Excise Court, Vaishali at Hajipur** in connection with **Lalganj PS Case No. 211/2019**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Aditya Kumar Trivedi, J)

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