

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.9828 of 2020**

Arising Out of PS. Case No.-250 Year-2019 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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SHYAM SAHNI @ KARI SAHNI Son of Late Jay Lal Sahni @ Late Jaylal Sahni Resident of Mohalla- Alinagar, Ward No. -1, P.S.- L.N.M.U., District- Darbhanga.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate
For the Opposite Party/s : Mr.Asha Devi,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 12-06-2020 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with L.N.M.U. P.S. Case No. 250 of 2019 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner has while drawing the attention of this Court towards the self statement of the Sub-Inspector of Police on the basis of which first information report has been lodged submitted that according to the informant, when Police party raided the house of the petitioner he was seen fleeing away and this was told to Police party by the persons present there but neither in the FIR nor in course of



investigation it has come that who identified the petitioner, the name of the person who identified the petitioner has not been disclosed even in course of investigation and the fact that the seizure list was not handed over to any of the members of the family of this petitioner further shows that the liquors have been wrongly shown seized from the house of this petitioner. Petitioner is said to have politically active in ward election and for that reason he has falsely been implicated.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, the fact that there is no witness who says that he had identified this petitioner fleeing away and further fact that though Police claims to have raided the house of this petitioner, the seizure list has not been served upon any of the family members of the petitioner and further that the petitioner has no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with L.N.M.U. P.S. Case No. 250 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions



Judge – II – cum Special Judge (Excise), Darbhanga, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

