

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32683 of 2020

Arising Out of PS. Case No.-105 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAM PUNIT SAHNI, S/o Yogendra Sahni R/o village- Rampur Keshopatti,
P.S.- Samastipur (Mufassil), District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Praveen
For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-02-2021 Heard Mr. Kumar Praveen, learned counsel for

the petitioner and Mr. Atul Chandra, learned APP for the

State.

The petitioner seeks bail in anticipation of his
arrest in connection with Samastipur (Mufassil) P. S.
Case No. 105 of 2020, dated 01.03.2020, instituted for
the offences under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

66 litres of liquor is said to have been
recovered from beneath the heap of straw by the side of
the house of the petitioner.



The learned counsel for the petitioner has submitted that the place from where recovery has been made does not belong to the petitioner rather to somebody else. Though the petitioner has been made accused in three other cases, but in one such case, he has been acquitted and in the two other cases, he is on bail. Those cases are not under the Excise Act and are of the year 2004, 2005 and 2007 respectively.

Since there is no recovery from the constructive or exclusive possession of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight 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 II – cum – Special Judge (Excise Act), Samastipur, in connection with Samastipur (Mufassil) P. S. Case No. 105 of 2020, subject to the conditions as



laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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