

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34137 of 2022

Arising Out of PS. Case No.-491 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Mithlesh Sahni, Son Of Latew Rajendra Sahni Resident Of Village - Pakri
Barkhurdar, P.S. - Hathauri, District - Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha
For the Opposite Party/s : Mr. Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-09-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a
case registered for the offences punishable under Section 30(a), 30(c)
of the Excise Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is of
recovery of 05 litres of liquor from a gallon and 150 litres of jaggery
solution from a plastic gallon, which was destroyed at the spot and
the recovery was made from the side of canal behind the house of the
petitioner.

The learned counsel for the petitioner submits that the
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted that



even the alleged recovery is from a place which does not belong to the petitioner and is accessible to public at large and petitioner came to be implicated based on information provided by someone to S.S.P., Muzaffarpur. The learned counsel submits that it appears that a secret information was given to the S.S.P., Muzaffarpur in order to save the real culprit as petitioner is a person with clean antecedent.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Excise Case No.491 of 2021, P.R. No.53 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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