

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46301 of 2021

Arising Out of PS. Case No.-530 Year-2019 Thana- MASHRAK District- Saran

Mukesh Sahni @ Munna Kumar Sanhi S/O Upendra Sahani R/O Village-
Hasanpur Diyara, P.S-Taraiya, District-Saran At Chhapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Masrakh P.S. Case no. 530 of 2019 instituted for the offence under Sections 272, 273, 279, 307, 353, 420, 467, 468 and 471 of the Indian Penal Code and Section 30, 30(a), 36, 38 and 41 of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 1237.7 litres from TATA 407.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery. Driver and Khalasi of the



vehicle are apprehended on spot and both have disclosed the the name of this petitioner in this case before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Masrakh P.S. Case no. 530 of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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