

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12516 of 2023

Arising Out of PS. Case No.-1071 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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BHOLA SAHNI Son of Late Laxmi Sahni R/o Ram Babu Colony, Gur Ki
Mandi, P.S.- Alamganj, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha
For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 30(a) and 56 (b) of the
Bihar Prohibition and Excise Amendment Act.

Prosecution case relates to recovery of 200 litres
country made mahua liquor from a scooty and co-accused Satish
Kumar, who was driving the scooty was apprehended on spot
and he disclosed the name of the petitioner as the pillion rider,
who managed to escape.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has no concern with the alleged recovery. The name



of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Apprehended co-accused Satish Kumar has already been enlarged on bail by this Court vide order dated 1.5.2023 passed in Cr. Misc. No. 73554 of 2022. He is languishing in judicial custody since 12.12.2022.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that petitioner is habitual offender as three cases of excise act is pending against him.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Spl. Judge Excise, Patna in connection with Patna Excise P.S. Case No. 1071 of 2022.

(Sunil Kumar Panwar, J)

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