

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37040 of 2023

Arising Out of PS. Case No.-445 Year-2022 Thana- BIBHUTIPUR District- Samastipur

SRIRAM SAHNI @ SHREERAM SAHNI Son of Late Raj Kumar Sahni R/o
- Rahua (Sonvar Chak Manthi), ward no. 12, P.S. - Rosera, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-09-2023 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) of the Bihar
Prohibition and Excise Act.

Prosecution case relates to recovery of 16.890 litres
of IMFL from road side and co-accused Jay Narayajn Sahni was
arrested on spot, who disclosed the name of the petitioner.

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 or with the
place of occurrence. 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. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. He is languishing in judicial custody since 25.1.2023.

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

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 Special Excise Judge-I, Samastipur in connection with Bibhutipur PS Case No. 445 of 2022.

(Sunil Kumar Panwar, J)

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