

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35112 of 2023

Arising Out of PS. Case No.-303 Year-2021 Thana- WARISNAGAR District- Samastipur

Mithlesh Sahani @ Mithlesh Kumar Sahni, Son Of Debu Sahani @
Devnarayan Sahani R/O Village- Kamala Baha, Kishanpur Baikunth, P.S.-
Waris Nagar, District-Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2023 Let the defects, as pointed out by the office, be
ignored.

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 Sections
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 08 litres of liquor from the bank of Kamalwaha
river.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession and he came to be implicated at the instance of Chaukidar with whom, he is on an inimical term. It is further submitted that even the alleged recovery is from a place which is accessible to public at large.

Learned A.P.P. opposes the 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, 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 the learned Special Judge (Excise)-II, Samastipur in connection with Waris Nagar P. S. Case No.303 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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