

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43511 of 2023

Arising Out of PS. Case No.-79 Year-2022 Thana- District- Samastipur

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Kundan Sahni Son Of Brijnandan Sahni @ Braj Mohan Sahni Resident Of
Village - Bajitpur Bambaiya, Ward No. 10, P.S. - Bibhutipur, Dist. -
Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

As per FIR, 652.5 liters of liquor was recovered from
Mahindra Bolero Pick-Up Van bearing Registration No.
BR10GA-0137.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He has
falsely been implicated in this case. The petitioner is not named
in FIR rather his name came into light in this case on the basis
of confessional statement of other co-accused person, namely



Md. Rahmat who has already been granted bail by the different co-ordinate Bench of this Court vide order dated 11.11.2022 in Cr. Misc. No. 56507 of 2022. It is also submitted that nothing incriminating article has been recovered from the conscious possession of the petitioner and also he has no concern with the recovered illicit liquor. Moreover, the petitioner is languishing in judicial custody since 09.05.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bibhutipur P.S. Case No. 79 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-I, Samastipur.

(Sunil Kumar Panwar, J)

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