

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58654 of 2023

Arising Out of PS. Case No.-275 Year-2021 Thana- KHANPURA District- Samastipur

Kunal Kumar Sahni @ Kunal Sahni @ Kunal Kumar S/O Late Ram Cahndra
Sahni R/O Amsaur Chaur, Nathudwar, PS- Khanpur, Dist- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 13-09-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 30(a), 30(d) and 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2016, 2018.

3. As per the prosecution, a case has been lodged against the petitioner under the provision of Excise Act, in which he is apprehending his arrest.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. Counsel for the petitioner submits that petitioner is not in normal mental condition rather he is mentally ill and due to the firing made by the police on him, he was admitted to PMCH, Patna. Counsel submits that due the violation of rights of the petitioner, he filed application before the Superintendent of Police, Samastipur, the

Chief Minister of Bihar and also before the State Human Rights Commission, which has been annexed as Annexure-4 and 5. Counsel submits that there is one criminal case pending against the petitioner and from the FIRs i.e. Khanpur P. S. Cases No.275 of 2021 and Khanpur P. S. Case No. 276 of 2021 it transpires that they were registered on the same date. He further submits that both the cases were filed by the police officials only with a view to save their skin.

5. Learned APP for the State opposes the prayer for bail but simultaneously admits that for the representation filed by the petitioner for his grievances before the State Human Rights Commission, no action has been taken till date.

6. In the present facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, Samastipur, in connection with Khanpur P. S. Cases No.275 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Ashishsingh/-

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