

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63796 of 2022

Arising Out of PS. Case No.-399 Year-2022 Thana- BYPASS District- Patna

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Sunny Sahni, S/o Late Suresh Mallah @ Suresh Kewat, R/o Bahari
Dhawalpura, Baithkapar, P.S.- Bypass, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Bypass P.S. Case No. 399 of 2022 registered under Section 30(a) of Bihar Prohibition and Excise Act.

There is total recovery of 115 litres illicit liquor kept in a jute bag and it is alleged that the petitioner has been apprehended from the place and confessed that 110 litres was belonging to him.

Learned counsel for the petitioner submits that the recovery is not from the petitioner's conscious possession. His implication is due to aforesaid confession of the petitioner, which has been obtained by



the police. He has two antecedents. Recovery is denied and disputed, and is not in accordance with law. He is in custody since 19.09.2022.

Learned APP has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, the period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge Excise, Patna City, Dist- Patna, in Byepass P.S. Case No. 399 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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