

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10850 of 2024

Arising Out of PS. Case No.-141 Year-2022 Thana- HASANPUR District- Samastipur

Kundan Sahani Son of Brijmohan Sahni @ Braj Mohan Sahni R/o vill -
Bajitpur Bambaiya, ward no. 10, P.S. - Bibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.

For the Opposite Party/s : Ms.Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Hasanpur P.S. Case No. 141 of 2022 instituted for the

offences under Section 30(a) of the Bihar Prohibition and

Excise (Amendment)Act, 2022.

3. As per prosecution case, the police as recovered

158.400 liter foreign liquor from the Bolero Pick-up vehicle

bearing Registration No. BR-31G-9691.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

the present case. He further submits that nothing



incriminating has been recovered from the conscious possession of the petitioner. The petitioner was not arrested from the place of occurrence. The petitioner is not named in the F.I.R. and his name has surfaced in this case in course of investigation. The petitioner is not the owner of the alleged vehicle and has no concern with the alleged seized liquor or the vehicle. The petitioner has five criminal antecedents as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 16.12.2023. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Court below/concerned Court in connection
with Hasanpur P.S. Case No. 141 of 2022.

(Rudra Prakash Mishra, J)

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