

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22329 of 2024

Arising Out of PS. Case No.-295 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sanjay Sahni, Son Of Brahma Dev Sahni Resident Of Village-
Madhubanighat, Police Station-Muffasil, District-East Champaran, Motihari.
... .. Petitioner/S

Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 29-03-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
30(a) (b), 32 and 41(i) of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and the allegation is of
recovery of 45 litres of liquor along with 2000 litres of semi
prepared pass from a place near a river situated in front of orchard
of Hriday Narayan Sharma.
4. 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 even alleged
recovery is from a place, which does not belong to the petitioner,
which is accessible to public at large and he came to be implicated
at the instance of Chaukidar with whom he is on an inimical term.



It is also submitted that in most of the cases, innocent persons are being implicated by the police either at the instance of Chaukidar or local people. It is thus submitted that if the Chaukidar was aware about the involvement of the petitioner, then why he did not inform the police earlier and why the said fact was disclosed after the liquor is alleged to have been recovered, which cast an aspersion on the case of the prosecution.

5. Learned A.P.P. opposes the bail application.

6. 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.01, East Champaran, Motihari in connection with Muffasil P. S. Case No.295 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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