

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35908 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Ajay Sahani S/O Prahalad Sahani @ Pahlad Sahani R/O Village- Katahan
Loknathpur, P.S- Muffasil, Dist.- East Champaran

... .. 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.Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-05-2024 Defect no. 6 as pointed out by the office is ignored.

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

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 30(a), 42, 41(i) of the
Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 50 litres country
made liquor from the bank of river which was kept beneath the
sand.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has no concern with the alleged recovery or with the
place of occurrence. Provision of Section 100 CR.P.C. has not



been followed by the police officials while preparing the seizure list. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 5.10.2023 passed in Cr. Misc. No. 62642 of 2023. He is languishing in judicial custody since 28.2.2024.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, East Champaran at Motihari in connection with Muffasil PS Case No. 318 of 2023.

(Sunil Kumar Panwar, J)

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