

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.74260 of 2018**

Arising Out of PS. Case No.-78 Year-2018 Thana- SIWAIPATTI District- Muzaffarpur

1. Tunnu Sahani @ Tuntun Sahani  
2. Krishna Sahani alias Krishnadeo Sahani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hari Kishore Thakur  
For the Opposite Party/s : Mr. Ram Bachan Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      09-01-2019      Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272 and 273/34 of the IPC and Sections 30(a),38,41 and 48 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of ASI Akshay Lal Ram submitted to the SHO, Siwaipatti Police Station is to the effect that on 11.9.2018 during patrolling and vehicle check, information was received that petitioners Tunnu Sahni and Krishna Sahani and co-accused Suman Kumar are indulged in trade of illicit liquor and that they are doing the accounting of the sale of wine and have also kept liquor with them, when the raid was laid. The other accused escaped from the scene when a motorcycle without registration number was recovered from which 180 ml foreign



liquor was recovered. The apprehended accused person disclosed his name as Suman who disclosed the name of the petitioners.

It is submitted by learned counsel for the petitioners that no recovery was made from the petitioners, hence no offence under the provisions of the Bihar Prohibition and Excise Act, 2016 is made out against the petitioners.

Learned APP submitted that the names of the petitioners sprang up in the confessional statement of co-accused.

Considering the fact that recovery has not been made from the petitioners, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Siwaipatti P.S. Case No.78 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

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