

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16472 of 2021**

Arising Out of PS. Case No.-1032 Year-2019 Thana- ARARIA District- Araria

Raju Sahni, son of Bijan Sahni, resident Of Village -Pagahiyan Raiti  
Musahari, P.S- (Kathaiya) Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Ms. Anita Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      05-10-2021                      Heard learned counsel for the petitioner and  
  
learned Additional Public Prosecutor (for short 'APP') for  
  
the State.

Learned counsel for the petitioner is expected  
  
to honour his undertaking given in the instant case for  
  
depositing the requisite court fee and to remove the  
  
defects as pointed out by office when called upon to do  
  
so by the office.

The petitioner seeks bail in Araria P.S. Case  
  
No. 1032 of 2019 (Special Case No. 1593 of 2019)  
  
instituted for the offences under Sections 272, 273 of  
  
the Indian Penal Code and Section 30(a) of the Bihar



Prohibition & Excise Act.

There is recovery of 3499.335 litres of illicit liquor from a truck.

The counsel for the petitioner submits that petitioner is owner of the alleged truck and he cannot be held responsible for the carriage which was being taken by the driver. In fact, the petitioner was unaware of the illicit liquor being carried on his truck. He is in jail since 24.11.2020. The petitioner has one other criminal antecedent from before. Moreover, the driver of the truck has been allowed bail by a co-ordinate Bench of this Court vide order dated 21.01.2020 passed in Cr. Misc. No. 87134 of 2019.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer



for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail 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, Araria in connection with Araria P.S. Case No. 1032 of 2019, corresponding to Special Case No. 1593 of 2019, 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)**

Shageer/-

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