

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19518 of 2021**

Arising Out of PS. Case No.-193 Year-2020 Thana- AHYAPUR District- Muzaffarpur

ARUN SAHNI S/O BRAHAMDEV SAHNI R/o village- Bijay Chhapara,
P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anuj Kumar Shrivastava, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No. 193 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a)/36 of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant who is the Assistant Sub-Inspector of Police got instruction from the S.H.O. while he was on patrolling duty to verify the information regarding preparation and selling of illicit liquor in the house of Awadhesh Sahani. The informant reached at the given place then four persons including this petitioner started fleeing after scaling over the wall. The informant searched the house



of Awadhesh Shani and recovered bottles containing liquor, empty bottles, cork and stickers.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the house of the petitioner. The petitioner has no concern with the place from where the alleged recovery has been made. The petitioner is in custody since 17.12.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears from the record that the raid was conducted at the house of co-accused Awadhesh Sahani and this petitioner along with other co-accused were allegedly seen fleeing away from the said place, the submission being that the petitioner had no concern with the said house and nothing has been recovered from the conscious possession of the petitioner, he has otherwise no criminal antecedent but has remained in jail in connection with the present case since 17.12.2020, investigation against him is complete but the trial is not likely to take place in near future, in the circumstances, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Ahiyapur P.S.



Case No. 193 of 2020, subject to the conditions as laid down under
Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the
conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to
the offence of which he is accused, or suspected, of the commission
of which is suspected, and

(c) that such persons shall not directly or indirectly make
and inducement, threat or promise to any person acquainted with the
facts of the case so as to dissuade him from disclosing such facts to
the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify
the criminal antecedent of the petitioner and in case at any stage it is
found that the petitioner has concealed his criminal antecedent, the
court below shall take step for cancellation of bail bond of the
petitioner. However, the acceptance of bail bonds in terms of the
above-mentioned order shall not be delayed for purpose of or in the
name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

