

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5300 of 2022

Arising Out of PS. Case No.-78 Year-2021 Thana- AURAI District- Muzaffarpur

Ranjit Sahni Son of Shri Ramprit Sahni @ Ramashresth Sahni Resident of
Village - Sambhuta Dih, P.S. - Aurai, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate.

For the Opposite Party/s : Ms. Sangeeta Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-06-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Ms. Vaishnavi Singh, learned counsel for the
petitioner and Ms. Sangeeta Sharma, learned Additional Public
Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Aurai P. S. Case No. 78 of 2021
registered for the offences punishable under Sections 272, 273
read with 34 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
Police received a secret information that one Pappu Sahni and



this petitioner are unloading liquor near Sambhuta Dih Brahamsthan. On the aforesaid information, the Police raided the spot and on search being made altogether 156.24 litres liquor was recovered. It is also alleged that on seeing the Police party two persons fled away, however, they have not been recognized.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended nor any incriminating material has been recovered from the person or possession of this petitioner. Moreover, the alleged recovery has been shown to be made near Sambhuta Dih Brahamsthan, which is a public place and accessible to anyone in as much as no vehicle has been found there, which suggests the allegation of loading and unloading of the alleged illicit liquor. It is further submitted that so far another co-accused persons, namely, Papu Sahni is concerned, he has already been granted anticipatory bail by the learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 57733 of 2021 vide order dated 11.03.2022. A copy of which has been produced before this court and the same has been taken on record. It is next submitted that this petitioner having fair antecedent and is in custody since 18.11.2021, though the investigation of the crime



has already been concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State fairly submits that the other co-accused person having similar allegation has already been granted bail by the learned co-ordinate Bench of this Hon'ble Court.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered, apart from that another co-accused person having similar allegation has already been granted bail by the learned co-ordinate Bench of this Hon'ble court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Muzaffarpur in connection with Aurai P. S. Case No. 78 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of



trial till disposal of the case.

- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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