

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11773 of 2022**

Arising Out of PS. Case No.-105 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

TUN SAHNI @ TUNTUN SAHNI @ TUNNA SAHNI Son of Mr. Prakash Sahni @ Pratap Sahni Resident of Village - Banghara, P.s.- Siwaipatti, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      08-07-2022                      Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Siwaipatti P.S. Case No. 105 of 2021 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code read with Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, There is alleged recovery of 51.120 litres IMFL from the house of different co-accused persons namely Sitaram Sahani, Umesh Sahani and Ravindra Sahni and co-accused Sitaram Sahni disclosed that the present



petitioner is involved in transportation and selling of the said liquor.

Learned counsel for the petitioner submits that petitioner is in custody since 17.01.2022. Petitioner bears criminal antecedent of six cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has no concern with the other co-accused persons. Nothing has been recovered from the conscious possession of the petitioner and he has not been apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted, petitioner has not been apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Court No. I, Muzaffarpur in connection with Siwaipatti P.S. Case No. 105



of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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