

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12446 of 2022

Arising Out of PS. Case No.-67 Year-2021 Thana- ARER District- Madhubani

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TRIPURARI SAHNI @ NANHAKI S/o Bharat Sahni R/o village- Benipatti,
P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Ms. Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 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 Arer P.S.
Case No. 67/2021 registered for the offences punishable under
Sections 272, 273, 467, 468, 471, 120(B) of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 4408.185 liters foreign liquor and 1200 beer from two
vehicles i.e. container truck and pickup van in question. The
petitioner was fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is not named in the FIR and nothing has been recovered from the conscious possession of the petitioner. The petitioner was not apprehended on the spot. He further submits that the petitioner has neither concerned with the alleged seized liquor nor concerned with the two seized vehicles. On the basis of confessional statement of co-accused, Raj Kishore Sahni, the name of petitioner has been surfaced in this case as mentioned in para 10 of the bail petition. The petitioner is languishing in custody since 23.12.2021 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted 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 Additional District and Sessions Judge-II cum Special



Judge, Excise, Madhubani in connection with G.R. No. 1410/2021 arising out of Arer P.S. Case No. 67/2021, 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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