

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16240 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- AHYAPUR District- Muzaffarpur

PAPPU SAHNI Son of Yogendra Sahani @ Bhogendra Sahni Resident of
Village - Shekhpur, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect(s), if any, as pointed out by the office be removed within four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ahiyapur P.S. Case No. 167 of 2021 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and 30(a)/ 36 of the Bihar Prohibition and Excise Act.

The prosecution case is that on receiving secret information regarding unloading of illicit country made liquor, a raid was conducted at that place. 3 to 4 persons started running after seeing the vehicle of police. Co-accused Md. Bashir was apprehended who named this petitioner as one of the accused



persons who ran away from the spot. On search of the vehicle 234 liters of India made foreign liquor was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case merely on the basis of his criminal antecedent that two cases of similar nature are pending against him. Moreover, petitioner is neither the owner of the vehicle nor the driver of the alleged vehicle. The petitioner has no concern with the place from where the recovery of the vehicle has been made or from the allegedly seized liquor. Charge sheet has been submitted in this case and the petitioner is in custody since 24.08.2021. Furthermore, co-accused Md. Bashir has already been granted bail by a Coordinate Bench vide order dated 26.10.2021 passed in Cr. Misc. No. 41973 of 2021 and another co-accused Md. Aslam @ Munna has been granted anticipatory bail by a Coordinate Bench vide order dated 19.11.2021 passed in Cr. Misc. No. 52714 of 2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from spot and similarly placed co-accused persons have been granted anticipatory bail/ regular bail by a Coordinate Bench and further considering the fact that charge sheet has been submitted in this



case along with the period of custody of this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 167 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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