

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32118 of 2021**

Arising Out of PS. Case No.-111 Year-2019 Thana- MINAPUR District- Muzaffarpur

Ram Babu Sahni, Son of Late Devki Sahni, Resident of Village - Dharpur,
P.S.- Meenapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Punam Shrivastava, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

6 08-04-2022 The applicant/accused in Crime No. 111 of 2019 registered with Meenapur (Muzaffarpur) Police Station for the offences punishable under Sections 272 and 273 of the Indian Penal Code as well as Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that the applicant was not even present on the scene of the occurrence and nothing was seized from him. It is further argued that the applicant is falsely arrayed as accused in similar several cases.

The learned Additional Public Prosecutor opposed the application by contending that the illicit liquor seized by the police was meant for delivery at the house of the applicant.



The applicant is behind the bars for a period of more than one year.

The case of the prosecution is to the effect that police searched a four-wheeler vehicle in which, illicit liquor of quantity 199 litres came to be seized. Ranjeet Kumar who was apprehended at the spot whereas three others flee from the spot. The accused persons disclosed that the illicit liquor was meant for delivery at the house of the present applicant. Thus, evidence against the applicant is that of confessional statement of co-accused.

Prudent Investigator ought to have raided the house of the applicant in order to ascertain whether illicit liquor is stored at his house, which is not done. As such the criminal antecedent, looking into the facts of the instant case pales into insignificance. Therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 111 of 2019 registered with Meenapur (Muzaffarpur) Police Station be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

- (I) The applicant/accused should not extend any



threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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