

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27958 of 2022

Arising Out of PS. Case No.-95 Year-2020 Thana- SIWAIPATTI District- Muzaffarpur

Tuntun Sahni @ Tun Sahni @ Tunna Sahni, S/o Mr. Pratap Sahni, Resident of
Village- Banghara, P.S.- Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mrs. Vaishnavi Singh, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Siwaipatti P.S. Case No. 95 of 2020 registered for the offences punishable under Sections 272, 273, 420/34, 120(B) of the Indian Penal Code and Section 30(a) of Bihar Prohibition of Excise Act.

As per the prosecution case, it is alleged that the police on a secret information, raided the tent house of Vikash Kumar, which was taken on rent from one Varun Kumar, and on search



being made total 1216.08 litres of Indian made foreign liquor was recovered. It is further alleged that the apprehended persons disclosed the name of the petitioner, as one of the associates in the trade of illicit liquor.

It is submitted by the learned counsel appearing on behalf of the petitioner that neither the petitioner was arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover the alleged recovery has been made from the tent house of one Vikash Kumar, which was being given on rent. It is next submitted that co-accused Nandlal Prasad, who was apprehended by the police at the spot, has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 2068 of 2021 vide order dated 26.03.2021, the copy of which has been annexed as Annexure-2 to this application. It is next submitted that the petitioner is in custody since 28.03.2022 and only because of his past criminal antecedent, he has been made accused in this case. It is lastly submitted that in all the previously instituted case either the petitioner has been made accused on the basis of secret information or on the confession of the apprehended accused persons.

On the other hand, learned APP for the State opposes the bail application.



Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and the petitioner is in custody since 28.03.2022, apart from the fact that one of the co-accused, who was apprehended at the spot, has already been granted bail by the learned coordinate Bench of this Court, let the petitioner, named above, 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 Court No. I, Muzaffarpur in connection with Siwaipatti P.S. Case No. 95 of 2020, 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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