

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29228 of 2022

Arising Out of PS. Case No.-445 Year-2021 Thana- MINAPUR District- Muzaffarpur

TUNTUN SAHNI @ TUN SAHNI S/o Mr. Pratap Sahni Resident of Village -
Banghara, P.S. - Siwaipattil, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Minapur
P.S. Case No. 445 of 2021 registered for the offence under
Section 272, 273, 414, 420, 120(B) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.04.2022.

The allegation against the petitioner is to have in
possession of 770 liters of country made liquor, which was
recovered from a pick-up van.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of apprehended co-accused namely, Rakesh Kumar. Admittedly, no liquor was recovered from the possession of the petitioner, it is also submitted that similarly situated co-accused person namely, Shiv Kumar has already been granted bail by one of the learned co-ordinate Bench of this Hon'ble Court through Cr. Misc. No. 13418 of 2022 dated 22.03.2022, it is submitted that investigation in this case is completed for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Minapur P.S. Case No. 445 of 2021 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



Court No. 1, Muzaffarpur City/concerned Court, subject to the following conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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