

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30835 of 2022**

Arising Out of PS. Case No.-61 Year-2021 Thana- MINAPUR District- Muzaffarpur

Nantun Sahni Son Of Bhola Sahni R/O Village- Dharpur, P.S.- Minapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate.

For the Opposite Party/s : Mr. Khurshid Anwar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Abhay Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Minapur P. S. Case No. 61 of 2021 registered for the offences punishable under Sections 272, 273, 414, 120 (B) read with 34 of the Indian Penal Code and Section 30 (a)/33 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a secret information, raided the house of Arvind



Kumar and on search, total 161.2 litres country-made foreign liquor was recovered. It is further alleged that on noticing the police party, other accused persons succeeded in fleeing away, whose names were disclosed by the apprehended co-accused Arvind Kumar.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner has come on the disclosure made by the co-accused Arvind Kumar and moreover, the petitioner has neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that the petitioner has no concern with the recovered illicit wine nor has any connection with the accused persons. It is next submitted that the co-accused Arvind Kumar, on whose possession the entire recovery has been made has already been granted bail by learned co-ordinate Bench of Hon'ble Court in Cr. Misc. No. 54689 of 2021 vide order dated 22.01.2022 and this petitioner is in custody since 24.03.2022.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner



has neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, the co-accused person, from whose possession the recovery has been made, has already been granted bail by learned co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Minapur P. S. Case No. 61 of 2021, 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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