

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37587 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- MITHANPURA District- Muzaffarpur

RAVI SAHNI S/O BRAHAMADEV SAHNI Resident of village- Kanhauli Bishundatt,
Madan Sahni Tola, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Mithanpura P.S. Case No. 259 of 2021 registered for the alleged offences under Sections 414 and 34 of the Indian Penal Code and Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act.

As per prosecution case, 776.64 liters of India made foreign liquor was recovered from different vehicles when a raid was conducted on getting secret information by the police that co-accused has brought illicit liquor on a pick-up goods carrier. The co-accused Niranjana was apprehended from the spot who named



this petitioner along with other co-accused persons who used to sale the liquor carrying it in smaller vehicles.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. None of articles seized from the spot belong to this petitioner whether it be the motorcycle or scooty or Bolero or the liquor. The co-accused who was apprehended from the spot has been granted bail vide order dated 29.03.2022 passed in Cr. Misc. No. 14316/2022. Charge sheet has been submitted in this case and the petitioner is in custody since 10.03.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that petitioner has got criminal antecedent and he was named by the co-accused for his involvement in this case.

Having regard to the facts and circumstances and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from this petitioner and also considering submission of charge sheet along with period of custody of the 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 Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Mithanpura P.S. Case No. 259 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on 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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