

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43120 of 2022**

Arising Out of PS. Case No.-167 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

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Sujeet Sahni @ Sujit Kumar Sahni Son Of Lalu Sahani @ Chulahai Sahani  
R/O Village- Shekhpur Dhab, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      09-09-2022                      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 Ahiyapur P.S. Case No. 167 of 2021 registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information about the petitioner and other co-accused persons bringing liquor on pick-up-vehicle and unloading it at an identified place. A raid was conducted and co-accused Md.



Bashir was apprehended and the petitioner and other two co-accused persons fled away from the spot. On search of the vehicle, 234 liters of India made foreign liquor was recovered.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has got no concern with the allegedly seized liquor or pick-up-vehicle. Except for secret information and the name coming up in the confessional statement of the co-accused Md. Bashir, there is no material against this petitioner to implicate him in this case. Similarly placed co-accused Md. Aslam has been granted anticipatory bail by a Coordinate Bench vide order dated 29.11.2021 passed in Cr. Misc. No. 52714 of 2021 and other co-accused persons Md. Bashir and Pappu Sahni have been granted regular bail by different Coordinate Bench of this court vide order dated 26.10.2021 passed in Cr. Misc. No. 41973 of 2021 and vide order dated 08.07.2022 passed in Cr. Misc. No. 16240 of 2022, respectively. Charge sheet has been submitted in this case and the petitioner is in custody since 06.03.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual



offender and he is accused in two cases of similar nature.

Having regard to the submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with his period of custody, 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 or concern court in connection with Ahiyapur P.S. Case No. 167 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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