

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48529 of 2022

Arising Out of PS. Case No.-246 Year-2020 Thana- MINAPUR District- Muzaffarpur

Tunna Sahni @ Tuntun Sahni @ Tun Sahni Son of Pratap Sahni R/V-
Banghara, P.S- Minapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pravin Kumar, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Minapur P.S. Case No. 246 of 2020 registered for
the alleged offences under Sections 272, 273, 414, 120(B) and 34
of the Indian Penal Code and Sections 30(a) and 41(1) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information about transportation of some illicit liquor being made
by some persons in a four-wheeler. A raid was conducted and from
the seized four-wheeler, total 19.540 liters of India made foreign
liquor was recovered. The apprehended co-accused Raju Rai



disclosed the name of the petitioner for being involved in his business of illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No material has been collected during investigation to connect the petitioner with the alleged crime in question. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Similarly placed co-accused persons have been granted privilege of anticipatory bail vide order dated 29.11.2021 passed in Cr. Misc. No. 20521 of 2021 and vide order dated 25.02.2021 passed in Cr. Misc. No. 55620 of 2021 by different Coordinate Benches. Charge sheet has been submitted in this case and the petitioner is in custody since 29.04.2022.

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

Having regard to the facts and circumstances and 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 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 in connection with Minapur P.S. Case No. 246 of 2020, 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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