

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53636 of 2022

Arising Out of PS. Case No.-294 Year-2021 Thana- KUDHNI District- Muzaffarpur

SONU SAHNI Son of Musafir Sahani Resident of village - Charkoriya, P.S.-
Kudhni (Turki O.P.), District - Muzaffarpur, State - Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with
Kudhani (Turki O.P.) P.S. Case No. 294 of 2021 registered for
the offences punishable under Sections 272, 273, 414 of the
Indian Penal Code read with Section 30(a) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, accusation against the
petitioner is that he alongwith other co-accused persons coming
with the illicit liquor from Supna Saraiya. On this information,
informant alongwith other police personnel reached at the place
of occurrence and saw aforesaid car was going towards Gola



Chowk when the car was chased the driver alongwith other person left the vehicle on road and fled away. On search there is alleged recovery of 155.43 liters foreign liquor from the Maruti Suzuki 800AC car in question.

Learned counsel for the petitioner submits that petitioner is in custody since 20.07.2022. Petitioner bears one criminal antecedent which is similar to the present case. Learned counsel further submits that petitioner is not apprehended on spot. On secret information police implicated the present petitioner in the present case. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner has neither any concern with the alleged illicit liquor nor with the Maruti Suzuki car in question.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge 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. - II, Muzaffarpur in connection with Kudhani (Turki O.P.)

P.S. Case No. 294 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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