

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60889 of 2022**

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

Sikandar Kumar Sahni @ Sikindra Sahni S/O Ram Babu Sahani Resident of  
Village- Dahrpur, P.S.- Minapur, 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 : Mrs.Sharda Kumari, APP

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

2      04-01-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

In the present case, the petitioner seeks bail in connection with Minapur P.S.Case No. 61 of 2021 registered for the alleged offences under Sections 272, 273, 414, 120(B) and 34 of the Indian Penal Code and Section 30(a)/33 of the Bihar Prohibition Act and Excise Act.

As per prosecution case, police received secret information about petitioner and other co-accused persons manufacturing illicit liquor from spirit and packing the same in bottles. A raid was conducted on the house of co-accused Mahichand Sahni and his co-accused son Arvind Kumar was apprehended from the spot when he tried to flee away. From the house of the apprehended co-accused recovery of 107.20 litres



of India made foreign liquor and 60 litres of spirit were made. Further recovery of 54 litres of India made foreign liquor was also made from a vehicle parked in the house of the co-accused. Stickers and other articles used in manufacturing and packing of the illicit liquor were also recovered from the spot.

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 been named in this case on the basis of statement of co-accused, but the said statement has got no legal sanctity and naming this petitioner on the basis of secret information is merely high-handedness of the police. Learned counsel further submits that recovery has been made from the possession of the co-accused persons and no recovery has been made from this petitioner. The petitioner is in custody since 23.06.2022 and charge sheet has been submitted.

Learned APP vehemently opposes the submissions made on behalf of the petitioners. Learned APP submits that petitioner has got long criminal history and is accused in a large number of cases of similar nature.

Having regard to the facts and circumstances and submissions 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 further considering the period of custody of the petitioner and submission of charge-sheet against him, 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. 61 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for 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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