

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80071 of 2024

Arising Out of PS. Case No.-202 Year-2024 Thana- KATHAIYA District- Muzaffarpur

Nunnu Sahni @ Nunu Sahani Son of Late Musafir Sahani @ Musifare Sahani
Resident of Village - Tilbista (Tilbihta), P.S. - Saraiya (Jaitpur O.P.), District –
Muzaffarpur Petitioner/s
Versus
The State of Bihar Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Manoj Kumar, Adv.
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-11-2024 Heard Mr. Manoj Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection
with Kathaiya P.S. Case No. 202 of 2024 for the offences
punishable under Sections 30(a)/41(1) of the Bihar Prohibition
and Excise Act, lodged on 01.10.2024 by the informant, Manish
Kumar.

3. As per the prosecution story, the informant alleged
that upon secret information, a Pick-Up van owned and driven
by the petitioner was intercepted and there is recovery/seizure of
798.840 litres of foreign liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the
though he owns the vehicle, it is being used on hire purposes
and had little knowledge that the persons who have hired the
vehicle have put in the liquor in it which resulted into his
implication despite the fact that he does not have any criminal
antecedent. The last submission is that irrespective of the
outcome of the present case and/or accepting the allegation, he



intends to pay Rs.20,000/- (Twenty thousand) to the District Legal Services Authority, Muzaffarpur, for the beautification of the Civil Court campus, Muzaffarpur.

5. Learned APP opposes the prayer submitting that he owns the vehicle.

6. Considering the submissions put forward by the parties as also the fact that the car was used for hire purposes, the petition has no criminal antecedent, has remained in custody since 01.10.2024 (para-13 of the petition), this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 20,000/- (Twenty thousand) to the District Legal Services Authority, Nuzaffarpur, for the beautification of the Civil Court campus, Muzaffarpur. A receipt of the expenses made in the beautification of the Civil Court has to be submitted before the learned Trial court.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court No.II, Muzaffarpur in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. A copy of this order be communicated to the Principal District & Sessions Judge, Muzaffarpur for his perusal.

(Rajiv Roy, J)

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