

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83559 of 2024

Arising Out of PS. Case No.-1533 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Pappu Sahni @ Pappu Kumar S/O Bhogendra Sahni @ Bhogindra Sahni @
Bhogi Sahni R/o Village - Shekhpur Dhab, P.S- Ahiyapur, Distt.- Muzzafarpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Excise (Utpad) P.S. Case No. 1533 of 2024 dated 27.08.2024
instituted for the offence punishable under Sections 30(a) of Bihar
Prohibition and Excise Act.

3. The allegation is of recovery of total 11.700 litres
illicit foreign liquor, 35 litres spirit and electronic equipments for
making liquor from temporary hut situated on the bank of river in
Shekhpur Dhab.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered either
from the conscious possession or from the house of the petitioner,



rather the said recovery was made from the temporary hut situated near the bank of river. The petitioner has no concern with the said hut. The petitioner has been made accused in this case only on the basis of secret information. Learned counsel for the petitioner also submits that due to past criminal antecedents, the petitioner has been made accused in this case. Lastly, it has been submitted that petitioner has four criminal cases against him.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Excise (Utpad) P.S. Case No. 1533 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Court No. 2, Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be



cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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