

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79660 of 2019**

Arising Out of PS. Case No.-89 Year-2019 Thana- SAHIYARA District-
Sitamarhi

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BHAGYA NARAIN SAHNI @ BHAGYA NARAIN KUMAR Son of Akshay Lal
Sahni Resident of Village- Shiv Nagar, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party: Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 05-12-2019

Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner is in custody since 24.10.2019 in connection with Sahiyara P.S. Case No. 89 of 2019 for the offences alleged under Sections 272/273 of the Indian Penal Code and Sections 30, 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. It is submitted that the petitioner has been falsely implicated in connection with recovery of 65.400 litres of *Nepali Saufi* wine. His name has transpired on the confessional statement of co-accused Naga Sah, except which there is no objective material to connect him with the alleged occurrence. No recovery has been made from conscious possession of the petitioner as the incriminating goods have been recovered from a tempo. The petitioner claims clean antecedents.

4. Be that as it may and having regard to the period of



custody already suffered since 24.10.2019, 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 A.D.J.-II-Cum-Special Judge, Excise Act, Sitamarhi in connection with Sahiyara P.S. Case No. 89 of 2019, on the following conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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