

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25894 of 2022

Arising Out of PS. Case No.-111 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Nagendra Sahni @ Nagendar Sahani Son of Late Hemant Sahni Resident of
village - Pakari Barkhurdar, P.O.- Punarwara Sham, P.S.- Hathauri, District -
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Excise
Case No. 111 of 2022 registered for the offence under Sections
30(a) and 30(c) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the prosecution
report and is in custody since 04.02.2022.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor, where 5 liters of country
made liquor was kept buried in the ground.



Learned counsel appearing on behalf of the petitioner submitted that recovery is from the open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is completed.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is from the open place.

Considering the facts and circumstances as mentioned above, as recovery is from the open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Excise Case No. 111 of 2022 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/concerned Court, subject to the following conditions:



“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Sanjay Sahani @ Sanjay, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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