

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32362 of 2022**

Arising Out of PS. Case No.-351 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Nagendra Sahni @ Kokarwa, Son of Bhajju Sahani, Resident of Village-  
Nariyar Nawada, Police Station- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      26-08-2022              Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ranjit Kumar Yadav, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Motipur P.S. Case No. 351 of 2021 registered for the offences punishable under Sections 120(B)/34 of the Indian Penal Code and Sections 30(a)/41(1)(2) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that while the police party was conducting raid, they received an information that in village Mathiya Morshandi some persons are engaged in



unloading of illicit liquor from a truck. On noticing the police party, some of the persons succeeded in fleeing away, however one Shekhar Kumar was apprehended by the police and he disclosed the name of the petitioner and other associates. It is further alleged that on search 2589.120 litres of illicit liquor was recovered from a truck and 18 litres of illicit liquor was recovered from a motorcycle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and save and except the disclosure made by the co-accused person, there is no material, which suggest the complicity of the petitioner in this case. Furthermore, the person, on whose disclosure, the name of the petitioner has come, has already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 6506 of 2022 vide order dated 25.05.2022. He lastly submits that the petitioner is in custody since 25.02.2022 and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner is found involved in one another case.



Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and moreover, the co-accused, who disclosed the name of the petitioner, has already been granted bail by the learned coordinate Bench of this Court and the petitioner is in custody since 25.02.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-II, Muzaffarpur in connection with Motipur P.S. Case No. 351 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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