

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42882 of 2021

Arising Out of PS. Case No.-837 Year-2018 Thana- MOTIPUR District- Muzaffarpur

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SOHAN SAHNI Son of Sri Ramadhar Sahni Resident of Village - Gehua
Chak, Police Station - Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-02-2022 The instant case has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

Heard the learned counsel for the petitioner and

Ms. Indu Kumari Srivastava, the learned APP for the State.

The petitioner seeks regular bail in connection

with Motipur PS case no. 837 of 2018 instituted for the offences

punishable under Sections 272, 273 of Indian Penal Code and

30(A) of Bihar Prohibition and Excise Act, 2016.

The case of the prosecution in brief is that upon

receipt of secret information, the informant along with police

force had conducted a raid near the embankment of river

Gandak, from where 135 liters of illicit foreign liquor was



recovered and it has been alleged that the petitioner also used to engage in illicit trade of liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 07.06.2021. The learned counsel for the petitioner has further submitted that the petitioner was granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 09.01.2019, passed in Cr. Misc. no. 73989 of 2018, however the petitioner could not avail the privilege of anticipatory bail and was subsequently, arrested in one other case, from which he has been remanded in the present case. Lastly, it is submitted that a co-ordinate Bench of this Court has already found that the present case is a fit case in which the petitioner ought to be released on anticipatory bail, thus this Court may consider granting regular bail to the petitioner herein.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the



petitioner had already been granted privilege of anticipatory bail in the present case by a co-ordinate Bench of this Court, though the petitioner could not avail the benefit thereof, and moreover, the petitioner has not been arrested from the spot, as far as the present case is concerned and no illicit liquor has been recovered from the conscious possession of the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge (Excise), Muzaffarpur in connection with Motipur PS case no. 837 of 2018.

(Mohit Kumar Shah, J)

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