

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44560 of 2021

Arising Out of PS. Case No.-98 Year-2019 Thana- MOTIPUR District- Muzaffarpur

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

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 23-03-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Motipur P.S. Case No. 98 of 2019 registered for
the offences punishable under Section 120(B)/34 of the Indian
Penal Code and Section 30(a)/38(1) of Bihar Prohibition and
Excise Act, 2018. He is in custody since 07.06..2021. The
petitioner has got four criminal antecedents out of which three
are of similar nature and he is said to be on bail in two cases.

Learned counsel for the petitioner submits that, as per
the prosecution story, a truck was intercepted by the police and



upon search 1678.320 liters of foreign liquor has been recovered from the said truck and co-accused Nitish Kumar arrested on the spot and disclosed the name of this petitioner among the persons who fled away after seeing the police party.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that that there is no recovery of illicit liquor from the conscious possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 07.06.2021.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for bail of the petitioner.

Having regard to the submission that the name of the petitioner has transpired in the statement of the apprehended accused, the recovery of liquor has been made from a truck and the petitioner was not arrested on the spot, he is a daily wager and in connection with this case he has remained in custody for more than nine months, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Motipur P.S.



Case No. 98 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

