

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49189 of 2022

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

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Pappu Sahni @ Amit Kumar @ Amit Kumar Sahni @ Pappu, Son of Ramesh Sahni, Resident of Village - Chakki Jamalabad, Gohuachak, P.s.- Motipur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s : Mr. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Motipur P.S. Case No. 98 of 2019 registered
for the alleged offences under Sections 120(B) and 34 of the
Indian Penal Code and under Sections 30(a) and 38(1) of the
Bihar Prohibition and Excise Act, 2016..

As per prosecution case, police received secret
information about smuggling of illicit liquor in a container
truck. The said truck was intercepted and 1678.320 liters of
India made foreign liquor was recovered. The apprehended co-

accused Nitish Kumar disclosed the name of the petitioner along with other co-accused persons who were involved in illicit trade of liquor and who fled away from the spot during the raid.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner who was not apprehended from the spot. The name of the petitioner transpired on the basis of confessional statement of apprehended co-accused Nitish Kumar. The petitioner is neither the driver nor the cleaner of the said container truck. Charge sheet has been submitted in this case and the petitioner is in custody since 25.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (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. 98 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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