

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61366 of 2022**

Arising Out of PS. Case No.-107 Year-2021 Thana- KANHAULI District- Sitamarhi

Bhagyanarayan Sahni, Son of Rajendra Sahni, Resident of Village - Shahpur  
Shitapatti, Sahni Tola, P.S.- Sahiyara, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      23-11-2022                      Heard Mr. Ashok Kumar Jha, learned counsel  
appearing on behalf of the petitioner and Mr. Surendra Kumar,  
learned APP for the State.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was directed to be released on bail vide order dated 20.05.2022 passed in Cr. Misc. No. 65080 of 2021. The bail bond of the petitioner was not accepted by the court below in view of one of condition of the bail regarding verification of the criminal antecedent of the petitioner and it was found that three more criminal cases are pending against the petitioner. Thereafter, the petitioner filed Cr. Misc. No. 41391 of 2022 and in view of bar under Section 362 Cr.P.C., the petitioner was permitted to withdraw the application with liberty to file a fresh bail application before the court below. Thereafter,



the petitioner moved before the court below and vide order dated 27.08.2022, the bail application of the petitioner was rejected by the court below.

Learned counsel appearing on behalf of the petitioner submits that no considerable progress has taken place in conduct of the trial. He submits that altogether 198 litres of Nepali liquor was recovered kept in several bags. The petitioner was not apprehended on the spot. The petitioner was made accused on the basis of disclosure made by co-accused Binod Kumar. Nothing was recovered from conscious possession of the petitioner. Seizure was not conducted in accordance with law as there is no signature of any independent witness on the seizure list. On these grounds, the petitioner who is in custody since 08.09.2021 seeks to be released on bail.

Learned A.P.P. for the State has, however, opposed the prayer for grant of bail to the petitioner.

Considering the fact that this Court vide order dated 20.05.2022 passed in Cr. Misc. No. 65080 of 2021 has released the petitioner on regular bail on furnishing bail bond of Rs. 50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Sitamarhi in



connection with Kanhauli P.S. Case No. 107 of 2021 and no substantial progress has taken place in conduct of the trial, the petitioner who has remained in custody since 08.09.2021, is directed to be released on bail on similar terms and conditions as contained in the order dated 20.05.2022 passed in Cr. Misc. No. 65080 of 2021.

Accordingly, the present bail application stands disposed of.

**(Purnendu Singh, J)**

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