

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5893 of 2023

Arising Out of PS. Case No.-439 Year-2022 Thana- RIGA District- Sitamarhi

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UMESH SAHNI Son of Deep Narayan Sahni R/v- Sukhachaina, P.S.-
Sunarpur, District- Malanga (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Shaheen Begum, APP.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-05-2023 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner has preferred this application for grant

of regular bail in connection with Riga P. S. Case No. 439 of

2022 dated 01.10.2022 registered for the offences punishable

under Sections 414 of the Indian Penal Code and Sections 8, 20

(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances

Act and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, the petitioner boarded on

a motorcycle was apprehended by the police and on search total



57.600 litre Nepali Saufi illicit liquor and 4 Kg. Ganja was recovered from the possession of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No such occurrence as alleged has ever taken place. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has neither any concern with the seized motorcycle nor with the alleged recovery. Learned counsel for the petitioner has further submitted that the alleged recovered contraband is not commercial quantity. The petitioner has got clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 02.10.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court Concerned, Sitamarhi in connection with Riga P. S. Case No. 439 of 2022 with the condition:-

1. The petitioner is directed to remain physically



present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bonds of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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