

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7836 of 2023

Arising Out of PS. Case No.-124 Year-2022 Thana- BELSAND District- Sitamarhi

NAGESHWAR SAHNI S/o Rajendra Sahni R/o village- Hanuman Nagar
(Narha) Panapur Ward no. 10, P.S.- Rajepur, Distt- East Champaran, Motihari.

... .. 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.Arun Kumar, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Belsand P.S. Case No. 124 of 2022 dated 27.09.2022 registered
for the offence(s) punishable under Section(s) 30(a) of the
Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that though the instant matter
relates to recovery of 858.66 litres of Indian Made English wine
and the same is stated to have been recovered from a
commercial Pickup van which is in the ownership of the
petitioner, in fact the petitioner was not present in the said
vehicle when the alleged wine was recovered and he had handed
over the said vehicle to his driver for commercial purpose and



petitioner has been languishing in jail since 14.10.2022 and after the institution of the FIR, he himself surrendered before the trial court and against him, the investigation has been completed.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the petitioner's fair and clean antecedent and also the facts that he is stated to be owner of the alleged vehicle from which the alleged wine was recovered and he was not arrested at the spot of recovery of alleged wine and also taking into account the completion of investigation against the petitioner, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the **petitioner be released on bail after framing of charge, if the same has not been framed,** in connection with Belsand P.S. Case No. 124 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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