IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12994 of 2019

Arising Out of P.S. Case No.-1 Year-2019 Thana- SONBERSA District- Sitamarhi

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RAKESH SAHANI (Male), aged about 25 years, Son of Chhabila Sahani Resident of Village - Lahkhar Tole Supaina, P.S.- Sonbarsa, Distt - Sitamarhi.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ashhar Mustafa, Advocate
For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 06-03-2019 Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 01.01.2019 in connection with Sonbarsa P.S.Case No.01 of 2019 for the offence alleged under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the informant police personnel is that the petitioner along with two others were found in a motorcycle and on search in the bag 41.400 liters of Nepali Saufi wine was recovered. Accordingly a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and

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has been falsely implicated in the aforesaid case. He submits that it is most improbable that in the motorcycle 138 pieces of 300 ml. of illicit liquor would be carried in a bag. He further submits that one of the co-accused apprehended along with the petitioner has since been granted the privilege of bail by a coordinate Bench of this Court in Cr.Mic.No.11322 of 2019 dated 25.02.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sonbarsa P.S.Case No.01 of 2019 to the satisfaction of learned Additional District Judge-II-cum-Special Court, Excise Act, Sitamarhi.

(Nilu Agrawal, J)

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