

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.26161 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

RAJESH SAHNI, aged about 20 years, Male, Son of Late Markat Sahni
Resident of Village - Rajapur, Naurang Rai Ka Dera, P.S.- Simri, District-
Buxar ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ashwini Kumar Rai, Adv.
For the Opposite Party : Mr. Ravindra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with Case No.
28 (O)2019 for the offences alleged under Sections 30(a), 37(C)
and 37(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the Excise
Officials, is that a Magic pick-up van was intercepted and from
the vehicle 21.600 liters of Indian made foreign liquor was
recovered. The petitioner was found to be in an intoxicated
condition, which has been affirmed by the breath analyzer. The
driver of the vehicle Ram Pravesh Yadav stated that the bag
containing illicit liquor belonged to the petitioner.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and
nothing has been recovered from his conscious possession. He
submits that the petitioner has been sufficiently punished as he
is languishing in judicial custody since 15.03.2019.



However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the materials on record, and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, 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 Case No. 28 (O)2019 to the satisfaction of the learned Additional District & Sessions Judge II-cum-Special Judge, Excise, Buxar, or the successor Court, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

U		T	
---	--	---	--

