

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4662 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- MADHWAPUR District- Madhubani

RAKESH SAHNI @ RAKESH SAHANI S/o Late Shatrudhan Sahni @
Rohan Sahni Resident of Village- Kamtaul Raghauli, P.S.- Bisfi, District-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Rajeev Nayan App

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Madhwapur P.S. Case No. 155 of 2021 registered for the
offences punishable under Sections 272, 273, 414 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery
of 81 litre Nepali country made saufi wine from the motorcycle
in question which was being driven by the petitioner.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.12.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that Section 414 of the IPC is not applicable for the reason that even the police has failed to show any case registered for the theft/loot of the motorcycle in question and in absence of which Section 414 of the IPC cannot be attracted. He further submits that petitioner has got neither any concern with alleged seized Nepali country made liquor nor with the motorcycle in question from which alleged recovery of liquor has been made.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available 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 to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise, Madhubani in connection with Madhwapur P.S. Case No. 155 of 2021, subject to following



conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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