

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10160 of 2022**

Arising Out of PS. Case No.-80 Year-2021 Thana- MOTIPUR District- Muzaffarpur

RAJESH SAHANI Son of Late Ramadhar Sahni Resident of Village -
Gehuachak, P.S. - Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Malay Kumar Choudhary
For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 26-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Motipur Police Station Case No. 80 of 2021, registered for the
offence punishable under Sections 272/273/120-B of the Indian
Penal Code and Sections 30 (a)/34/36/41 (1) (2) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of secret information that
some persons were manufacturing illicit country-made liquor,
proceeded towards the place of occurrence, and on seeing the
police party, the persons present at the place of occurrence
succeeded in fleeing away and the police recovered 50 litres of
illicit country-made liquor from the hut of co-accused Manoj



Sahani.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. He further submits that the name of the petitioner has been disclosed by the local chowkidar and villagers and no illicit liquor has been recovered from the conscious possession of the petitioner and/or premises belonging to him. He further submits that the petitioner is in custody since 18.12.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession and/or premises belonging to the petitioner, charge sheet has already been submitted and the petitioner is in custody since 18.12.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Motipur Police Station Case No. 80 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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