

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12063 of 2022

Arising Out of PS. Case No.-153 Year-2020 Thana- HATHAURI District- Muzaffarpur

Rajeev Kumar @ Rajeev Sahani, S/o Ramu Sahani, R/o village- Dubarbanna,
P.S.- Minapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Hathauri P.S. Case No. 153 of 2020 registered for the alleged offences under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition And Excise Act.

The allegation against the petitioner is that on raid by the police, a truck loaded with 1212.705 litres of India made foreign liquor was seized and the co-accused Umesh Sahni was apprehended and the petitioner along with other co-accused



person fled away from the spot, but they were identified by the local Chaukidar.

The learned counsel for the petitioner submits that the petitioner is innocent and he was neither arrested from the spot nor anything recovered from his possession. The petitioner has nothing to do with the seized truck and the liquor recovered from the truck. The learned counsel further submits that though there is a case pending against the petitioner, but he has been allowed bail in that case. The petitioner is in custody since 29.11.2021.

Learned APP opposes the prayer for bail. He submits that a huge quantity of liquor has been recovered.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not arrested from the spot and nothing was recovered from his conscious possession and further considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur in connection with Hathauri P.S. Case No. 153 of 2020, subject to the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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