

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13654 of 2022

Arising Out of PS. Case No.-255 Year-2021 Thana- MAKER District- Saran

RAKESH SAHNI S/o Sudarshan Sahni Resident of Village - Baligaon, P.S. -
Parsa, Dist. - Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State,

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Maker
P.S. Case No. 255 of 2021 registered for the offence under
Sections 30 and 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.01.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery
of 370 litres of illicit country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor has been made from boat, which is no way connected with the petitioner. It has further been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with, which, itself appears from the fact that the seizure list is not bearing signature of the petitioner. It has further been submitted that the petitioner is man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has been made from boat, as it appears from seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery has been made from public place/boat, not connected with the petitioner in any manner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Maker P.S. Case No. 255 of 2021 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
Exclusive Special Excise Court, Saran at Chapra, subject to the
following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Kalawati Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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

