

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19288 of 2022

Arising Out of PS. Case No.-70 Year-2020 Thana- PURNAHYA District- Sheohar

Rajendra Sahni, @ Ravindra Sahni, Son of Bindeshwar Sahni, Resident of
Village - Dewapur, P.S.- Pachpakri, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 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 Purnahiya P.S. Case No. 70 of 2020 registered for the alleged offences under Sections 30(a) of Bihar Prohibition & Excise Act, 2018.

The prosecution case is that the police received an information that the petitioner and other co-accused persons were bringing country made wine from Nepal, the raid was conducted on that place and total 468 liters of country made Nepali liquor was seized. The petitioner and co-accused persons



fled away from the spot.

Learned counsel for the petitioner submits that though the petitioner has been named in the F.I.R, but nothing has been recovered from his conscious possession. The recovery of liquor is not from the petitioner and the liquor was recovered from a public place and was kept in bushes. Charge-sheet has been submitted in this case and the petitioner is in custody since 19.01.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents of similar nature.

Having regard to the submissions made hereinabove and considering the fact that recovery has been made from an open space accessible to general public and the petitioner was named by the informer and charge-sheet has been submitted in this case and the petitioner is in custody since 19.01.2022, 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 Additional District and Sessions Judge-II-cum- Special Judge, Excise, Sheohar in connection with Purnahiya P.S. Case No. 70 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 bailor will be the deponent, who has sworn the affidavit, and another bailor 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)

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