

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28266 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- PAKRIDAYAL District- East Champaran

1. RAJENDRA SAHANI SON OF RAMCHANDAR SAHANI R/O-
VILLAGE- PAKRIDAYAL, JAGATIYA, WARD NO.- 4, P.S.-
PAKARIDAYAL, DIST.- EAST CHAMPARAN
2. ANIL SAHANI @ ANIL KUMAR SON OF BABULAL SAHANI R/O-
VILLAGE- PAKRIDAYAL, JAGATIYA, WARD NO.- 4, P.S.-
PAKARIDAYAL, DIST.- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

At the outset, learned counsel for the petitioners
submits that petitioner No.1, Rajendra Sahani, has been taken
into custody, therefore, this application with respect to petitioner
No.1 has now become infructuous.

Accordingly, this application with respect to petitioner
No. 1 is dismissed as infructuous.

The petitioner, Anil Sahani @ Anil Kumar, apprehends
his arrest in a case registered for the offence under Sections
30(a) and 30(c) of the Bihar Prohibition and Excise Act.

Recovery is of 12 liters of country made liquor.



Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that, in fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from open maize field of co-accused, namely, Rajendra Sahani. He further submits that the petitioner has no concern with the alleged recovery. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, namely, Anil Sahani @ Anil Kumar, in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Pakaridayal P.S. Case No. 58 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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