

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42699 of 2022

Arising Out of PS. Case No.-127 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Rakesh Kumar Son of Ram Prasad Sahni @ Ram Prashad Chaudhari Resident
of village - Madhopur Bhual, P.S.- Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a), (c),
(d), (e) and 32 of Bihar Prohibition and Excise (Amendment)
Excise Act, 2018

Recovery is of 37.05 liters of foreign liquor and
manufacturing items along with some brand stickers, empty
bottles etc.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that in fact the alleged recovery as per the FIR has been made from the land of the petitioner but the learned counsel for the petitioner submits that in fact the petitioner is not the owner of the land in question and it transpires from the (Annexure-2) letter issued by the Circle Officer Kalyanpur in which he has categorically stated that the land in question belongs to Nandlal Sahni son of Late Kamal Sahni. He further submits that in fact nothing has been recovered from the conscious possession of the petitioner or the land of the petitioner and the co-accused person namely Naveen Kumar has been granted privilege of anticipatory bail vide order dated 14.11.2022 in Cr.Misc. No. 42164 of 2022.

Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Excise Case No. 127 of 2022, subject to the conditions as laid down under Section 438(2) of



the Cr.P.C. and also 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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