

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47562 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- RAJAPAKAR District- Vaishali

1. Ramchandra Sahani, Son Of Kanchan Shani, R/O Village- Bakhari Barahi, P.S.- Rajapakar, District- Vaishali
2. Singeshwar Sahni, Son Of Late Jageshwar Sahni, R/O Village- Bakhari Barahi, P.S.- Rajapakar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Jain, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioners and
learned APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Rajapakar P.S. Case No. 162 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 70 litres of
country made *chulai* liquor was made from beneath a bridge at
the instance of the petitioners who were apprehended on
suspicion after chase by the police.



The learned counsel for the petitioners submits that the petitioners have nothing to do with the recovery of alleged liquor and nothing incriminating has been recovered from their conscious possession. There is no independent witness of the seizure list and both the witnesses are the police personnel. Charge-sheet has been submitted in this case and the petitioners are in custody since 24.05.2022. Petitioner no. 2 is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner no.1 is having criminal antecedents of similar nature.

Having regard to the submissions made hereinabove and considering the fact the recovery has not been shown from the conscious possession of the petitioners and further considering the submission of charge-sheet along with period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Prohibition and Excise Court-2nd, Hajipur, Vaishali in connection with Rajapakar P.S. Case No. 162 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of



Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner no.1 **Ramchandra Sahani** will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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