

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66889 of 2021**

Arising Out of PS. Case No.-268 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Rajesh Sahni, Son of Surat Sahni Resident of Village - Bangara, Nizamat,
P.S.- Sahebganj, District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sahebganj P.S. Case No.268 of 2019, registered for the offence under Sections 272, 273 of the IPC and Sections 30(a)(d)(g) & 41(i) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 2000 litres of solution to prepare country made liquor made from the *bamboo kalam* of Harnal Rai.

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



implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from bamboo kalam of one Surat Sahni and others. He further submits that co-accused Chhotan Rai and Babulal Mukhiya have been granted regular bail vide order dated 25.07.2019 passed in Cr. Misc. No. 49769 of 2019 and other co-accused namely Vishwanath Sahani has been granted anticipatory bail vide order dated 07.08.2019 passed in Cr. Misc. No. 55551 of 2019, co-accused namely Harnal Rai has been granted regular bail vide order dated 10.01.2020 passed in Cr. Misc. No. 1525 of 2020, other co-accused namely Ram Pravesh Sahani has been granted regular bail vide order dated 18.02.2020 passed in Cr. Misc. No. 12448 of 2020, co-accused Surat Sahani has been granted bail vide order dated 23.12.2020 passed in Cr. Misc. No. 7221 of 2021. The petitioner is in custody since 14.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the fact and circumstances of the case, let the petitioner, above named, 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 Special



Judge, Excise, Muzaffarpur, in connection with Sahebganj
P.S.Case No. 268 of 2019 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 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.

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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