

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65967 of 2022**

Arising Out of PS. Case No.-664 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

RAKESH KUMAR @ RAKESH SAHNI Son of Ganesh Sahni R/o Village -  
Pahetiya, P.S. - Hajipur Sadar, District - Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prakash Chandra

For the Opposite Party/s : Mr. Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      23-12-2022                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner seeks bail in connection with Sadar  
P.S. Case No. 664 of 2021, registered for the offences  
punishable under Sections 30(a), 36 and 41 of Bihar  
Prohibition and Excise (Amendment) Act, 2018 and Section  
414 of the Indian Penal Code.

As per allegation, 1956.960 litres of foreign liquor  
was recovered from a Tata-407.

The learned counsel for the petitioner submits that  
the petitioner is innocent and has falsely been implicated in  
this case. He further submits that nothing has been



recovered from the conscious possession of the petitioner. He also submits that other co-accused persons, namely, Rahul Sharma and Tunnu have already been enlarged on bail vide orders dated 19.10.2022 and 23.08.2022 passed in Cr. Misc. No. 69859 of 2021 and Cr. Misc. No. 37039 of 2022 respectively.

The petitioner has been languishing in jail since 23.09.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved before this Court for grant of anticipatory bail vide Cr. Misc. No. 47565 of 2022 which was rejected.

It has further been stated in paragraph no. 3 that the petitioner has earlier been made accused in three other cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Court – 1 cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Sadar P.S. Case No. 664 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

ashishkr/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

