

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7698 of 2023

Arising Out of PS. Case No.-61 Year-2022 Thana- SUGAULI District- East Champaran

RAKESH SAHNI @ RAKESH SAHANI S/O JANAKDEO SAHANI
Resident of Village- Mehwa, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 23.11.2022 in connection with Sugauli P.S. Case No. 61 of 2022, F.I.R. dated 02.02.2022 for the offences punishable under Sections 30(a)(b)(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of total 100 liters liquid of Mitha and Mahuwa from the back house of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the open place. He further submits



that petitioner was not attested at the spot and the name of the petitioner has been transpired on the basis of disclosure made by the Chawkidar. He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor and there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries ten criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession or the house of the petitioner and petitioner was not attested at the spot and the name of the petitioner has been transpired on the basis of disclosure made by the Chawkidar. 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 the learned Exclusive Special Court No.1, East Champaran, Motihari in connection with Sugauli P.S. Case No. 61 of 2022, subject to 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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