

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5263 of 2023

Arising Out of PS. Case No.-274 Year-2022 Thana- SUGAULI District- East Champaran

Rakesh Sahni @ Rakesh Sahani S/O Janakdeo Sahani R/v- 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. Bhanyu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
02.12.2022, in connection with Sugauli P.S. Case No. 274 of
2022, F.I.R. dated 13.06.2022 registered for the offences
punishable under Sections 272, 273/34 of the Indian Penal Code
and Section 30(a)(c) of the Bihar Prohibition and Excise
Amendment Act, 2018.

The case relates to recovery of 15 litres of country
made liquor and also 2000 litres semi prepared liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely 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 of the petitioner rather recovery has been made from the house of the petitioner and there is non compliance of Section 100 of the Cr. P.C. and there is no independent witness to support the prosecution version He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner has been remanded in the present case from Sugauli P.S. Case No. 388 of 2022 and he is in custody since 02.12.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries ten more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Sugauli P.S. Case No. 274 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 witness, 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 antecedents, 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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