

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3858 of 2023

Arising Out of PS. Case No.-204 Year-2022 Thana- SUGAULI District- East Champaran

RAKESH SAHNI @ RAKESH SAHANI, aged about 28 years (Male), S/o
Janakdeo Sahani R/o Village- Mehwa, P.S.- Sugauli, Distt- 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. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sugauli P.S. Case No. 204 of 2022 dated 27.04.2022 registered
for the offence(s) punishable under Section(s) 30(a) and 30(c) of
the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 15 litres of illicit country made wine and the
same is stated to have been recovered from the bank of a river
and as per allegation, 2000 litres of raw material used in
manufacturing of the alleged illicit wine was also recovered
which was destroyed at the spot and admittedly the petitioner
was not arrested at the spot and the said place of recovery is an



open public place, in fact the petitioner has some enmity with local *Chowkidar* and as per FIR, the petitioner's role in the alleged crime and his identity were disclosed by the said *Chowkidar* and on this basis, he has been dragged in this case as well as in other cases of similar nature. Further submissions are that the petitioner was remanded in this case on 29.11.2022 and since then he has been languishing in jail and in the present matter, there is no independent witness of the seizure of the alleged wine and the said *Chowkidar* and one police personnel have been made witnesses of the seizure and against the petitioner, the investigation has been completed.

4. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record and also the completion of investigation against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed** in connection with Sugauli P.S. Case No. 204 of



2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand)
with two sureties of the like amount each to the satisfaction of
the Court concerned.

(Shailendra Singh, J)

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