

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4443 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- SUGAULI District- East Champaran

Rakesh Sahni @ Rakesh Sahani Son Of Janakdeo Sahani R/O 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. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
16.11.2022 in connection with Sugauli P.S. Case No. 236 of
2022, F.I.R. dated 22.05.2022 for the offences punishable under
Sections 272, 273/34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Amendment Act,
2018.

Recovery is of 23 liters of country made liquor.

Learned counsel for the petitioner submits that
petitioner 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 motorcycle in question. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor or the motorcycle in question. He further submits that the name of the petitioner has been transpires on the basis of the information furnished by the local chowkidar who has identified the petitioner and other accused persons who fled away from the place of occurrence. He further submits that the petitioner has been remanded in the present case from Sugauli P.S. Case No. 388 of 2022 on 26.11.2022. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.11.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries 14 cases other than the present one but fairly submits that the petitioner is on bail in 10 cases out of 14 cases.

Considering the aforesaid facts and circumstances, 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 Excise Court No. 1, East Champaran, Motihari in connection with Sugauli P.S. Case No. 236 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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