

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19561 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RAJEEV KUMAR @ RAJEEV SAHNI @ RAJEEV KUMAR SAHNI Son
of Baidyanath Sahni @ Baijnath Sahni R/V- Manjhaul Bichkhanna Tola,
Ward no. 13, Panchayat- 3, P.S- Cheria Bariyarpur (Manjhaul O.P.) Dist-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 09-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Cheriyas Bariyarpur P.S. Case No. 43 of 2022, dated 16.02.2022
registered for the offences punishable under Sections 188 and
290 of the Indian Penal Code and Sections 30(a), 30(c) and
30(d) of Bihar Prohibition and Excise Act.
3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of 50
litres and 15 litres of *country-made wine* and the same were
stated to have been recovered from a *mustard field*, nearby the
house of one namely, Dashrath Sahni and from a semi-



constructed house of one namely, Manoj Sahni respectively but petitioner had no concern with both the places of recoveries and he has been made accused merely on the basis of suspicion and his name surfaced on the basis of secret information to the police which has no evidentiary value and the seizure list of the alleged seized wine was not prepared in accordance with law and there is no independent witness of the seizure. Further submissions are that the petitioner was not arrested at the spot of recoveries and he has been languishing in jail since 31.01.2023 and against him the investigation has been completed. Further submissions are that though against the petitioner there are criminal antecedents of six cases but he has got bail in all the said cases and one similarly situated co-accused namely, Raja Kumar Sahni @ Raju Kumar Sahni has been granted bail by co-ordinate Bench of this Court vide order passed in Cr. Misc. No.40480 of 2022.

4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly the facts that the petitioner was not apprehended at the spot of recoveries and he has taken the plea that he had no concern with the *mustard field* and semi-constructed house of the co-accused



Manoj Sahni, from where the recoveries of the alleged wine were made and against the petitioner investigation has been completed, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Cheriya Bariyarpur P.S. Case No. 43 of 2022.

(Shailendra Singh, J.)

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