

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16906 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Rajeev Kumar @ Rajeev Sahni, Son of Baidyanath Sahni @ Baijnath Sahni,
Resident of Village - Manjhaul Bichkhanna Tola, Ward No.- 13, Panchayat -
03, P.S.- Cheria Bariyarpur (Manjhaul O.P.), District - 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 the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Cheria Bariyarpur P.S. Case No. 236 of 2022 dated 10.09.2022
registered for the offence punishable under Section 30 (a) of
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 40 litres of country made liquor and the same is
stated to have been recovered near a road in front of the
petitioner's house but the petitioner was not apprehended at the
spot with the alleged wine and accordingly the wine was not



recovered from his conscious possession and one co-accused, who managed to escape as per prosecution, has been granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 64814 of 2022, though against the petitioner there are criminal antecedents of six cases, out of them four cases were lodged under the offences of Excise Act and rest cases were lodged under the offences of Indian Penal Code and in the present matter the petitioner has been languishing in jail since 08.02.2023 and against him the investigation has been completed.

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

5. Considering the above submissions and mainly the facts that the petitioner was not apprehended with the alleged wine and the same is stated to have been recovered near a road in front of the petitioner's house and the said recovery was made before the police personnel and one co-accused mentioned above is on bail and against the petitioner the investigation has been completed, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, **let the petitioner be released on bail after framing of charge** in connection with Cheria Bariyarpur P.S. Case No. 236 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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