

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48124 of 2023**

Arising Out of PS. Case No.-320 Year-2022 Thana- KATIHAR NAGAR District- Katihar

RAKESH SAHNI @ PALE SAHNI Son of Tilak Sahni R/O- Laliyahi, P.S.-
Katihar (S), Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 05.04.2023 seeks
bail, in connection with Nagar Sahayak P.S. Case No.320/2022,
dated 08.06.2022, for the offences punishable under Sections
30(a) of Bihar Prohibition and Excise Act.

3. According to prosecution case, 166 litres of country
made liquor have been recovered from the bicycle of the
accused persons.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that from bare perusal of the F.I.R. as well as
seizure list, it appears that nothing has been recovered from
conscious possession or the house of the petitioner rather the



recovery has been made from bicycle and the petitioner was not arrested on the spot. He further submits that due to criminal antecedent of the petitioner, the petitioner has been implicated in the present case and it is alleged that the petitioner and co-accused, namely, Dinesh Yadav have carried liquor in question and said Dinesh Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 15.05.2023 passed in Cr. Misc. No.29659/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 05.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried seven criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the seven cases.

6. 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 Additional Sessions Judge Exclusive Excise Court No.2, Katihar in connection with Nagar Sahayak P.S. Case No.320/2022, 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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