

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49294 of 2023

Arising Out of PS. Case No.-258 Year-2022 Thana- KATIHAR NAGAR District- Katihar

Rakesh Sahni @ Pale Sahni S/O Late Tilak Sahni R/O Laliyahi, P.S- Katihar
Sahayak, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

Petitioner seeks bail, who is in custody since
28.04.2023 in connection with Katihar Sahayak P.S. Case No.
258 of 2022, F.I.R. dated 12.05.2022 for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Recovery is of total 58 liters of country made wine.

Learned counsel for the petitioner submits that
petitioner is innocent and he 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 co-accused person. He further
submits that the name of the petitioner has been transpired on
the basis of disclosure made by the co-accused namely, Mahtab



Alam @ Chhotu he disclosed that he has gone to deliver the liquor in question to the petitioner. He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor and except the disclosure made by the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.04.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of disclosure made by the co-accused person namely, Mahtab Alam @ Chhotu, 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 Katihar Sahayak



P.S. Case No. 258 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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