

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53531 of 2023**

Arising Out of PS. Case No.-82 Year-2020 Thana- SUGAULI District- East Champaran

RAKESH SAHNI @ RAKESH SAHANI S/O JANAKDEO SAHANI R/O  
VILLAGE- MEHWA PS. SUGAULI, DIST. 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 : Ms. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      22-08-2023                      Heard the parties.

The petitioner is in judicial custody in connection with Sugauli P.S. Case No.82 of 2020 instituted under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 06.02.2020 by the informant Rohit.

As per the prosecution story, the police upon information that the accused persons are preparing and selling wine reached near Sapaha Ghat and find 'Bhatti' and allegation is against number of accused persons as also recovery of countrymade wines from them. So far as this petitioner is concerned, allegation is of recovery of 200 liters of wine. Accordingly, the FIR.

It is the case of the petitioner that he has already suffered by being in custody since 25.04.2023 (para-10 of the petition) only because he has criminal antecedent.



Learned APP opposes the prayer for bail stating that he has criminal antecedent of same nature.

Taking into account the aforesaid facts as also his period of custody, this Court is inclined to grant him privilege of bail but only after framing of the charges.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sugauli P.S. Case No.82 of 2020 to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran, Motihari, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,  
failing which the State shall be at liberty to take steps for  
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any  
criminal offence again failing which the State shall be at liberty  
to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Prakash Narayan

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