

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56375 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- RAHIKA District- Madhubani

Sanichar Sahni @ Shanichar Sahni Son Of Late Bhagat Sahni Resident Of
Village - Satlakha, Police Station - Rahika, District - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Pratik, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard Mr. Kumar Pratik, learned counsel for the
petitioner and the State.

The petitioner is in judicial custody in connection with G.R. No. 935 of 2023 arising out of Rahika P.S. Case No. 120 of 2023 for the offence punishable under Sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 14.6.2023 by the informant, Rahul Kumar.

As per the prosecution story, from a parked motorcycle three plastic sacks having 150 liters of Nepali country made liquor was recovered/seized. Accordingly, the FIR.

It is the case of the petitioner that the police has shown the alleged recovery from the motorcycle which he does



not own, his name has been given by the 'Chowkidar' due to enmity and has suffered by being in custody since 13.7.2023 (para-15 of the petition) and do not have criminal antecedent.

Learned APP opposes the prayer for bail.

Taking into account the submission of the learned counsel for the petitioner that the motorcycle does not belong to him, is in custody since 13.7.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with G.R. No. 935 of 2023 arising out of Rahika P.S. Case No. 120 of 2023 subject to the 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 his 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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