

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64720 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- PURNAHYA District- Sheohar

Rakesh Sahni son of Bhihari Sahni @ Bhikhari Sahni Village- Belwa
Narkatiya Piprahi Ps- Piprahi Dist- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar, Adv. Mr. Somesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Purnahiya P.S. Case No. 88 of 2023 dated 09.07.2023, lodged
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

4. As per the prosecution case, the total recovery of
432 litre country-made wine has been made, which is the
subject matter of the present case.

5. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel

submits that the alleged wine has not been recovered from the possession of the petitioner rather the said recovery has been made from the river itself. Counsel submits that the case has been filed against the petitioner only due to the reason that petitioner's name has figured in earlier case. Counsel further submits that the petitioner is in custody since 09.07.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Sheohar in connection with Purnahiya P.S. Case No. 88 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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