

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63222 of 2022**

Arising Out of PS. Case No.-490 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

RAKESH KUMAR @ RAKESH SAHNI S/O GANESH SAHNI Resident of
village- Pahetiya, P.S.- Hajipur Sadar, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Prakash Chandra, Advocate

For the Opposite Party/s : Mr Upendra Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **13-01-2023** Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Hajipur Sadar Police
Station (for brevity, **PS**) Case No 490 of 2022 registered for the
offence punishable under Sections 30 (A), 32 (ii), 36, 41 (i) of
Bihar Prohibition and Excise (Amendment) Act (for brevity, the
Act), 2018 and Sections 414, 420 of Indian Penal Code.

The police have seized a truck laden with 5072.04
liters of illicit liquor. The petitioner's name has come on secret
information in the course of investigation that he is also party to
the illicit trade of liquor.

Learned counsel submits that since earlier, the



petitioner has been made accused in cases under the Act, his name has been dragged in the instant case. There is no cogent material to connect the petitioner with the recovery. He is in custody in connection with this case since 06.09.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court-I -cum- Additional Sessions Judge, Vaishali at Hajipur, in Hajipur Sadar PS Case No 490 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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