

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69649 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- PURNAHYA District- Sheohar

Rakesh Sahni, Son Of Bihari Sahni @ Bhikhari Sahni Resident Of Village
Belwa Narkatiya Piprahi, P.S. Piprahi, District Sheohar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Purnahiya P.S. Case No. 27 of 2023, lodged on 06.03.2023
under Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per the prosecution case, the FIR has been
lodged against 9 named accused persons including the present
petitioner and the total recovery of 1326 litres of country made
liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also
submits that the police has lodged FIR on the secret information
and as per the seizure list, the recovery has been made from the



embankment of Bagmati river. He further submits that some of the accused persons have been granted anticipatory bail by the co-ordinate Bench of this Court vide orders dated 01.06.2023, 04.08.2023 and 13.09.2023 passed in Cr. Misc. No. 35055 of 2023, 45874 of 2023 and 58146 of 2023 respectively (annexed as Annexure-2 series). He further submits that the petitioner is in custody since 10.07.2023 and having three criminal antecedents in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that at the time of granting bail to the petitioner, his criminal antecedents may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge Excise, Sheohar in connection with Purnahiya P.S. Case No. 27 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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
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.

(Dr. Anshuman, J.)

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