

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33318 of 2024

Arising Out of PS. Case No.-80 Year-2020 Thana- Excise P.S. District- East Champaran

Rakesh Sahani Son of Late Shivilal Sahani Resident of Village - Majhariya,
Police Station - Turkauliya, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Excise Motihari P.S. Case No. 80 of 2020 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 7.2.2020 by the informant, Vijay Kumar Choudhary.

3. As per the prosecution story, the informant alleged that upon secret information, the place of occurrence was raided and inside the bushes altogether there is recovery of 312 liters of can beer and 27 liters of Indian Made Foreign Liquor (whisky). Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery/seizure is from a semi constructed building which has access to everyone and the same cannot be attributed to him and/or his conscious possession. Only because he has criminal antecedent, implicated.



5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 5000/- to the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

6. Learned APP opposes the prayer submitting that the semi constructed building belongs to him.

7. Taking into account the fact that the recovery/seizure is from an open place and not from the conscious possession of the petitioner, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5000/- the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Excise Motihari P.S. Case No. 80 of 2020 to the satisfaction of learned Special Judge, Excise Court No.2, East Champaran at Motihari subject to the conditions as laid down under Section 438(2) of the



Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 co-operate in the investigation and make himself available to the police as and when required;

(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.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

