

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35022 of 2024**

Arising Out of PS. Case No.-106 Year-2024 Thana- TURKAULIYA District- East
Champaran

Rakesh Sahani Son of Rajendra Sahani @ Bhuri Sahani @ Rajendra R/O
village - Raghunathpur, P.S.- Raghunathpur O.P., District - East Champaran.

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Ranjana Srivastava, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 08-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Turkauliya P.S. Case
No. 106 of 2024, instituted for the offences punishable under
Sections 272, 273/34 of the Indian Penal Code, Sections 30(a)
and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 52.800 liters
liquor was recovered from mango orchard of Mali Bhagat.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. It is further submitted that name of the petitioner has transpired on the basis of secret information which was received by police. The alleged place of recovery does not belong to the petitioner. The petitioner is in custody since 21.03.2024 and has got four criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Turkauliya P.S. Case No. 106 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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