

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51126 of 2017

Arising Out of PS.Case No. -847 Year- 2017 Thana -SAHARSA District- SAHARSA

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1. Sonu Kumar @ Sonu Sah, son of Bindhyanath Sah @ Baijnath Sah, resident of Mohalla Bhartiya Nagar Batraha Ward No. 26 Saharsa, P.S. and District Saharsa
 2. Santosh Yadav, son of Fahim Yadav, resident of Mohalla Kayastha Tola Ward No. 28 Saharsa, P.S. and District Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Ram Bachan Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 03-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 18.08.2017 in connection with Saharsa Sadar P.S. Case No. 847/17, corresponding to Special Case No. 329/17 for offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that the petitioners were part of a network for delivering illicit liquor and petitioner no. 1 was apprehended with 15.660 litres and petitioner no. 2 was apprehended with 20 litres of illicit liquor along with eight other accused persons also having illicit liquor in their possession.

It has been submitted by the learned counsel for the



petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that there is no compliance of Section 100 Cr.P.C. and there is no allegation of tampering with the prosecution witnesses by the petitioners. He further submits that some of the co-accused, who have been apprehended along with the petitioners with illicit liquor, have been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 50208 of 2017 on 17.10.2017 and Cr. Misc. No. 49692 of 2017 on 18.10.2017.

However, learned APP for the State opposes the prayer for bail stating therein that both the petitioners bear criminal antecedent, as many as two cases are pending against petitioner no. 1 and six cases are pending against petitioner no. 2, although under different sections of the Indian Penal Code.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Saharsa, in connection with Special Case No. 329/17, arising out of Saharsa Sadar P.S. Case No. 847/17, subject to the following conditions :

- (i) Both the bailors would be a close relative of the



petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

- (ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.
- (iii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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