

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21725 of 2019**

Arising Out of PS. Case No.-70 Year-2019 Thana- MADHUBANI TOWN District-
Madhubani

=====

BIRJU SAH Son of Kishori Sah, Resident of Mohalla- Mahrajganj, Ward No.
13, P.S. Madhubani Town, District- Madhubani.

... Petitioner

Versus

THE STATE OF BIHAR

... Opposite Party

=====

Appearance :

For the Petitioner : Mr.Gagan Deo Yadav, Advocate

For the Opposite Party : Mr.Md. Mushtaque Alam, Addl Public Prosecutor

=====

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 09-04-2019 Heard learned counsel for the petitioner and

learned counsel appearing for the State.

The petitioner seeks bail in connection with
Madhubani Town Police Station Case No. 70 of 2019, GR
Case No. 256 of 2019 for the offence alleged under
Sections 272 and 273 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition And Excise Act.

The prosecution, as lodged by the police
personnel is that on secret information on patrolling duty,
the vegetable shop of the petitioner was searched and from
the shop and thatched hut of the petitioner near that
vegetable shop 143.100 ml IMFL was recovered.
Accordingly, seizure list was prepared.



It has been submitted by learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He further submits that nothing has been recovered from his conscious possession and the petitioner is languishing in judicial custody since 15.02.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating that the petitioner does not bear clean antecedent and one more case of similar nature is pending against him.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Madhubani Town Police Station Case No. 70 of 2019, GR Case No. 256 of 2019 to the satisfaction of the learned Additional Sessions Judge II cum Special Judge, Excise, Madhubani, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move
the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shashi

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

