

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32616 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- BAHERI District- Darbhanga

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PRADEEP SAH Son of Jiwachh Sah @ Jivachh Sah Resident of Village-
Bakmandal, Police Station-Baheri, District-Darbhangha.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishor Prasad

For the Opposite Party/s : Mr.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 16-05-2019 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in G.O. Case No. 202/2019,
arising out of Baheri P.S. Case No. 40/2019, instituted for
offences under Section(s) 420, 467, 468 and 120(B) of the
Indian Penal Code read with Section 30(a) and 35 of the Bihar
Prohibition and Excise Act, 2016.

It is alleged in the written report that on getting secret
information police party reached at the place of occurrence and
intercepted a Santro Car bearing Registration No. DL 3CAP
3353, in which two persons were found sitting and a truck
bearing Registration No. DLIM 6514. It is alleged that from the
aforesaid truck 2376.36 litres of illicit liquor has been
recovered. Thereafter police intercepted another truck bearing



Registration No. WB 25B 5656, in which two persons were sitting, who disclosed their name as Ram Chandra Yadav and Bipin Kumar Mandal. From the aforesaid truck 3133 litres of illicit liquor has been recovered. Bipin Kumar Mandal disclosed that his co-villager Shambhu Yadav @ Amin had given him Rs. 10,000/- and Pradeep Sah (Petitioner) had taken him to Darbhanga on motorcycle. He further disclosed that Pradeep Sah, Dayaram and Shambhu are engaged in the business of liquor.

Learned counsel for the petitioner has submitted that name of petitioner has come in the confessional statement of co-accused Bipin Kumar Mandal. Nothing has been recovered from conscious possession of this petitioner.

The other co-accused persons have already been granted bail by this Court in Cr. Misc. No. 28417/2019 dated 01.05.2019.

It is mentioned in para 3 of bail petition that two more cases of Excise Act are pending against this petitioner.

Petitioner is in custody since 12.03.2019.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail



bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Vth Addl. Sessions Judge-cum-Special Judge, Excise, Darbhanga, in connection with G.O. Case No. 202/2019, arising out of Baheri P.S. Case No. 40/2019, subject to the conditions that both the bailors shall be the close relative of the petitioner.

The petitioner will file affidavit at the time of filing bail bond that he would not indulge in such type of activity in future. In the event, he is found indulged in such type of activity, his bail bond in the instant case will liable to be cancelled.

(Sanjay Priya, J)

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