

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.69226 of 2019

Arising Out of PS. Case No.-539 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

Sahil Khan aged about 19 years, Gender-Male, son of Md. Javerali Khan,
resident of village-Jakhauli Pavaisara @ Jarkhauri Pavaisara, P.S. Kundali,
District-Sonipath (Haryana)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 & 440 of
Criminal Procedure Code has been moved for grant of bail in
F.I.R. No.539 of 2019 dated 19.08.2019 registered at Police
Station-Excise District-Gaya under Section 30(A) of the Bihar
Prohibition and Excise Amendment Act, 2018.

I have heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Allegedly 599.76 liters *mahua* wine was recovered.

Learned counsel for the petitioner submits that he has
been falsely implicated in this case. The recovery has not been
made from the conscious physical possession of the petitioner.

It is submitted by learned counsel for the petitioner
that the petitioner has roots in the society; and is not likely to
interfere in the investigation or influence any of the witnesses or
destroy the evidence, as also that he is behind bars since
20.08.2019. At this stage petitioner is not required for
investigation.

It is also brought to the notice of the Court that co-
accused stands enlarged on bail vide order dated 13.11.2019
passed by a co-ordinate Bench of this Court in Cr. Misc. No.
69289 of 2019 (Sachin Kumar Vs. The State of Bihar).



Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned ADJ-V-cum-Special Court Excise Act, Gaya in connection with Excise Case No.539 of 2019 on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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