

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18294 of 2021

Arising Out of PS. Case No.-481 Year-2020 Thana- BELHAR District- Banka

Rajesh Sah, Son Of Late Chandrashekhar Sah, Resident of Village -
Chandaniya, P.S.- Sangrampur, Dist.- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-10-2021 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Belhar
P.S. Case No.481 of 2020 (Special Excise 761/2020) registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

70 litres illicit country made liquor has been
recovered from the river bank. The petitioner is stated to be one
who was fleeing away.

Counsel for the petitioner submits that recovery is
from an open place having general public access, for which the
petitioner cannot be held liable. It is stated in the petition that



the petitioner has no criminal antecedents and is in custody since 18.12.2020. It is submitted that he has become a victim of circumstances when he was passing by the area.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner 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 learned Additional Sessions Judge-II, Banka, in connection with Belhar P.S. Case No.481 of 2020 (Special Excise Case No.761/2020), subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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