

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18426 of 2021**

Arising Out of PS. Case No.-585 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

VISHU SAH @ VISHNU SAH SON OF LATE RUPCHI SAH R/O
VILLAGE- DHANORA,P.S.- RASALPUR, DISTRICT- BHAGALPUR. AT
PRESENT RESIDING AT MOHALLA- BARARI, BANIYA TOLI LANE,
P.S.- BARARI, DISTRICT- BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha

For the Opposite Party/s : Mr. Vinod Shankar Modi

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-07-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects, as pointed out by the office, within four
weeks of resumption of normal court proceeding. In the
eventuality of non-removal of defects within undertaken period,
the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

54 liters of foreign liquor is said to have been
recovered from a tempo and petitioner is the driver of the said



tempo.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. Petitioner is not the owner of the tempo in question and he was simply driving the tempo at the instructions of its owner without knowing the contents loaded therein. There is violation of Section 100 Cr.P.C. Petitioner has no criminal antecedent and has been languishing in custody since 07.10.2020.

Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is



pending/successor Court in connection with Kotwali (Barari)
P.S. Case No. 585 of 2020, subject to the following conditions:

(1) 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. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00 (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

Trivedi/-

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

