

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40942 of 2021

Arising Out of PS. Case No.-215 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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SUNIL SAH S/o Late Ramchandra Sah Resident of Village - Ramnagar, Ward
No. 01, P.S. - Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar
For the Opposite Party/s : Mr. V. S. Modi

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 30 (a), 32(3) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, 2351 liters of foreign
liquor has been recovered from a truck of which this petitioner
was driver.

Learned counsel appearing for the petitioner submits
that petitioner is innocent and has falsely been implicated in the
case. No incriminating article has been recovered from the
conscious possession of the petitioner and he is no way
concerned with the alleged recovery. Petitioner being driver of
the vehicle was not aware of the nature of consignment
transported through the vehicle and he was simply following the
instructions of the owner of the vehicle. Petitioner claims clean
antecedent and is in custody since 26.05.2021 and investigation
in this case is complete.

Learned counsel appearing for the State opposes the



prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, 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 Special Judge, Excise Act, Muzaffarpur in connection with Excise case No. 215/2021, P.R. No. 05/2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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