

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37615 of 2020**

Arising Out of PS. Case No.-77 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Sadhu Sharan Sah, aged about 32 years (male), Son Of Bikau Sah @ Bikaou Sah R/O Village - Jadupatti, Ward No. 4, P.S. - Choraut, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the State : Mr. Upendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 08-02-2021

Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner and Mr. Upendra Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with GO Case No. 77 of 2020 dated 06.08.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that from the tempo owned by him on which he and another person were travelling, 432 litres of liquor was recovered.

4. Learned counsel for the petitioner submitted that he was the owner of the tempo and was not aware of what the driver had kept and has been falsely implicated in the case. It was submitted that the petitioner has no criminal antecedent and



is in custody since 06.08.2020.

5. Learned APP submitted that the petitioner being the owner of the tempo cannot be said to be innocence.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Sitamarhi in G.O. Case No. 77 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.



7. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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