

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37580 of 2020**

Arising Out of PS Case No.-240 Year-2020 Thana- MANSI District- Khagaria

Sadanand Sah, Male, age about 38 years, Son of Suresh Sah, Resident of Village - Matihani, PS - Mansi, District – Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Singh, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

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

ORAL JUDGMENT

Date : 05-02-2021

Heard Mr. Arvind Kumar Singh, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned In-charge Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Mansi PS Case No. 240 of 2020 dated 25.08.2020, instituted under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that from the tempo driven by him, on which another person and one lady were also travelling, they were arrested and 144 litres of wine was recovered.



4. Learned counsel for the petitioner submitted that the petitioner was only a driver and was not aware of what was kept in the tempo. Learned counsel submitted that the petitioner having no criminal antecedent is in custody since 26.08.2020.

5. Learned APP submitted that from the tempo driven by the petitioner 144 litres of liquor has been recovered.

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 Special Judge (Excise), Khagaria in Mansi PS Case No.240 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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