

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5354 of 2022

Arising Out of PS. Case No.-296 Year-2018 Thana- MADHEPURA District- Madhepura

Vikram Sah Son Of Rajendra Sah Resident Of Village- Sahugarh, Tola Janki,
Ward No. 03, Police Station- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Uday Chand Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Excise Case no. 60 of 2018 arising out of Madhepura P.S. Case No. 296 of 2018 for the offences punishable under Sections 30(a) 45 of the Bihar Prohibition & Excise Act 2018 and Section 341, 323, 324, 333, 307, 353, 342, 506/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the police party was on patrolling duty, two persons



dealing with illicit liquor, on seeing them tried to flee away from his motorcycle. However, the brother of the petitioner, co-accused Sanjeet Sah was apprehended by the police and on search being made 1.5 liters of foreign liquor and 4 liters of country made liquor have been recovered from his possession. It is further alleged that while the police apprehended co-accused Sanjeet Sah, all the family members started pelting stone and also attacked them by bow and arrow.

It is submitted by the learned counsel for the petitioner that from perusal of the FIR, it appears that the petitioner was neither apprehended by the police nor any incriminating material has been recovered from his possession. It is further submitted that petitioner is not the owner of the seized motorcycle nor he has any concerned with the said liquor. He further submits that petitioner is not allegedly obstructed or assaulted the police party and there is omnibus allegation against all the accused persons and no specific allegation attributed against anyone. The injuries sustained by the police officials are simple in nature. It is next submitted that the petitioner is in custody since



25.10.2021, though investigation has already been concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that during the course of investigation, it has come that petitioner is involved in five other cases and as such he does not deserve the privilege of bail.

Having heard the rival contentions of the parties and taking into consideration the general and omnibus nature of allegation against the petitioner and moreover, injuries have been found to be simple in nature and he is in custody since 25.10.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Madhepura in connection with Madhepura P.S.Case No. 60 of 2018 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of



the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J.)

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