

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5470 of 2022

Arising Out of PS. Case No.-251 Year-2021 Thana- SHASTRINAGAR District- Patna

Raj Kumar Sah son of Deonandan Prasad resident of village Bena, P.S. Bena,
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 31-03-2022 The applicant is given out of turn hearing on account
of illness of his wife which is not disputed by the State.

The applicant is accused in Crime No.251 of 2021
registered with Shastri Nagar Police Station, giving rise to
Special Case No.4190 of 2021, for the offences punishable
under Sections 30(a)/56 of the Bihar Prohibition and Excise
Act. By this application the applicant is seeking his release on
bail during pendency of the trial.

Heard the learned counsel appearing for the
applicant/accused as well as learned Additional Public
Prosecutor appearing for the State.



The learned counsel for the applicant submits that the applicant is falsely implicated in the subject crime only because he is having criminal antecedents and this is a case of no evidence against the applicant.

The learned Additional Public Prosecutor opposed the application.

On the basis of information that the illicit liquor is imported in the State and is stacked in a hut, police conducted raid and apprehended co-accused Dharmendra. The premises were inspected and it was found to be containing 1192.320 liters of IMFL illicitly imported in the State. Further interrogation of accused Dharmendra, as seen from the FIR, revealed that the present applicant is one of the person who indulged in distributing the liquor brought in the State illegally.

Prima facie it appears that except confession of the co-accused, there is nothing worth mentioning against the present applicant.

In this view of the matter, after completion of investigation there is no propriety in further pretrial detention of the applicant and, therefore, the order :-

- i. The application is allowed.



ii. The applicant/accused in Crime No. 251 of 2021 registered with Shashtri Nagar Police Station, giving rise to Special Case No.4190 of 2021, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing two sureties of the like amount each to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this



order only after removal of office objections by the
applicant/accused.

(A. M. Badar, J)

Mkr./-

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