

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9572 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

Sanjeet Kumar, Son Of Ramnath Rai, R/O Village- Ganga Jal, P.S.- Sonpur,
District- Saran, Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Vijaya Laxmi Srivastawa, Advocate
For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Special Case No. 7436 of 2021 arising out of PR Alamganj P.S. Case No. 124 of 2021 registered for the alleged offences under Sections 30 (a), 32 (1), 32 (3), 41 (1) and 41 (2) of Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case is that during cheeking of vehicles for illicit liquor, one Tempo was searched and from that



Tempo 805 K.G. of '*Bhang*' in the form of tablets kept in plastic packets with names printed '*Charminar Gold Munakka Ayurvedic Ausidhi*' was recovered. The petitioner is stated to be the driver of the Tempo.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is merely a driver and he has nothing to do with the alleged recovery. The owner of the vehicle ran away after seeing the police. Learned counsel further submits that even otherwise allegedly recovered articles is a Ayurvedic medicine and is available in every market in the shape of toffee as well as sachets. So, it is not an intoxicant under any of the provisions of law. The charge sheet has been submitted in this case and the petitioner is in custody since 16.11.2021.

Learned APP opposes the prayer for bail submitting that huge quantity of *Bhang* has been recovered from the vehicle being driven by the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted and the petitioner is in custody since 16.11.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, in connection with Special Case No. 7436 of 2021 arising out of PR Alamganj P.S. Case No.124 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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