

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26442 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- AGIAON BAZAR District- Bhojpur

UPENDRA SAH Son of Ram Pravesh Sah Resident of Village - Mujrat , P.s.-
Nokha, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh
For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Agion
Bazar P.S. Case No. 17 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and
25(1-b)a, 26 and 35 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 12.3
litres of illicit liquor and also there is a recovery of one loaded



pistol.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor and fire arms were made from physical possession of the co-accused, namely, Subhash Kumar and on the basis of his confessional statement, name of the petitioner surfaced in the present case. It has further been submitted that nothing incriminating has been recovered during course of investigation, which may connect the petitioner with the present set of recovery of illicit liquor and fire arms. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of illicit liquor and fire arms were made from co-accused, namely, Subhash Kumar.

Considering the facts and circumstances as mentioned above, as the alleged recovery of fire-arms and illicit liquor were not made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Agion Bazar P.S. Case No. 17 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Bhojpur at Ara/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Raju Sah, who is the maternal brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

