

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27104 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- SONBERSA District- Sitamarhi

Sanjay Das Son of Pradeep Das R/O Village- Maivi, P.S.- Bathnaha, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Shaheen Begum, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 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 Sonbarsa P.S. Case No. 10 of 2021 registered for the alleged offences under Sections 414, 467, 468 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, *Nepali* country made wine of total quantity 360 liters and *Nepali* bear of quantity of 22.5 liters were recovered from two cars. Four co-accused persons were apprehended from these two vehicles and they disclosed the name



of this petitioner who fled away from the spot.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. His name cropped up in this case merely on suspicion and in the confessional statement of co-accused persons. None of the vehicles seized from the spot belongs to this petitioner. The petitioner has nothing to do with the allegedly recovered illicit liquor. The petitioner has never been in the business of illicit liquor and he is in custody since 24.02.2022. Charge sheet has been submitted in this case. Other co-accused persons namely Andul Kumar and Manish Kumar have been granted bail by a Coordinate Bench in Cr. Misc No. 36033/2021 and 39943/2021, respectively.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent.

Having regard to the submission made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and other co-accused persons have been granted bail and also considering the submission of charge sheet along with period of custody of the petitioner, 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 Exclusive Special Excise Court-I, Sitamarhi in connection with Sonbarsa P.S. Case No. 10 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on 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)

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