

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43960 of 2021**

Arising Out of PS. Case No.-939 Year-2020 Thana- MADHAURAH District- Saran

RAJESH SAH Son of Sant Kumar Sah Resident of Village- Repura, P.S.-
Marhowrah, District- Saran (Chapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 06-04-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Marhowrah P.S. Case No. 939 of 2020
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act. He is in custody since
08.06.2021 having three criminal antecedents as stated in
paragraph '3' of the application.

As per the prosecution story, while the informant got
secret information regarding selling of illicit liquor by the
petitioner, the police conducted raid on the bank of river in the



village Repura, on seeing the police party all the accused persons fled away, thereafter police recovered five liters country made liquor from the bank of river which was kept in plastic jerkin and four aluminum bowl.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that police has recovered only five liters country made liquor from the bank of river and not from the conscious possession of the petitioner.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that police has recovered five liters country made liquor from the bank of a river and the same cannot be said to be in conscious possession of the petitioner, the petitioner has been made accused repeatedly without there being any substantive materials against him to connect him and it is one of those cases of false implication, he is in custody since 08.06.2021, investigation against him is complete and his presence may be secured in course of trial, thus, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the



like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Chapra, District – Saran in connection with Marhowrah P.S. Case No. 939 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 cancellation 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

