

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37597 of 2022

Arising Out of PS. Case No.-205 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

Sanjay Sah @ Sanjay Kumar @ Sanjay Prasad Son Of Late Narsingh Sah
R/O Village- Pratap Patti, Ward No.-10, P.S.- Sahebganj, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Sahebganj P.S. Case No. 205 of 2019 registered for the alleged offences under Sections 272, 273, 414 and 34 of the Indian Penal Code and Sections 30(a),(g), 33, 34(B), 35(A), 36, 41(a)(1) of Bihar Prohibition and Excise Act.

As per prosecution case, the police received secret information about the petitioner and his co-accused son packing fake english liquor and a raid was conducted. But the petitioner and co-accused escaped from the place and wrappers of India



made foreign liquor in large number apart from cork, cork-sticker and 95 litres of country-made liquor were also recovered. A number of empty of different size bottles were also recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He is a grain trader and has no concern with the liquor business. The alleged *kabari* shop is 1 K.m. from his house and there is no recovery of any incriminating material from the possession or house of the petitioner. Nothing incriminating has been recovered from his conscious possession. The co-accused Chandan Kumar has been granted anticipatory bail by a Co-ordinate Bench vide order dated 27.07.2020 passed in Cr. Misc. No. 21318/2020 and the case of the petitioner is similarly situated. The petitioner is in custody since 04.06.2022 and charge sheet has been submitted in this case. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has been making spurious liquor.

Having regard to the facts and circumstances and considering the fact that petitioner was not apprehended from the spot and charge sheet has been submitted in this case along with period of custody and also considering his clean antecedent, 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), Court No. II, Muzaffarpur in connection with Sahebganj P.S. Case No. 205 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 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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