

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51715 of 2021**

Arising Out of PS. Case No.-159 Year-2021 Thana- BENIPATTI District- Madhubani

SHAMBHU SAH SON OF YOGENDRA SAH R/O VILLAGE-
BARHULIYA, P.S. ARER, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 24-02-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 174.15 litres of liquor was recovered from the car belonging to the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case because of being the registered owner of the vehicle in question because of his antecedent. There is no allegation that the petitioner was present near the place of occurrence. The petitioner is in custody since 29.7.2021 and chargesheet has been submitted in the case.



The application for bail is opposed by learned APP for the State who submits that the petitioner has an antecedent under the Bihar Prohibition and Excise Act, 2016.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner being in custody for over 6 months, the petitioner is directed to be enlarged on bail in connection with Benipatti P.S. Case no. 159 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge II – cum – Special Judge, Excise Act, Madhubani.

(Partha Sarthy, J)

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