

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43652 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- JHANJHARPUR District- Madhubani

1. Ajay Kumar Sah, S/O Mahendra Sah, Resident of Village- Kangauli, Ward No- 01, Nagar Panchayat, Jhanjharpur, P.S.- Jhajharpur, District- Madhubani (Bihar).
2. Vijay Kumar Sah, S/O Mahendra Sah, Resident of Village- Kangauli, Ward No- 01, Nagar Panchayat, Jhanjharpur, P.S.- Jhajharpur, District- Madhubani (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ashok Kuamr Prasad, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Jhanjharpur P.S. Case No. 62 of 2022 registered for the offences punishable under Sections 272/273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The police on a secret information, intercepted one Scorpio vehicle and on search 27 litres of liquor was recovered.



It is further alleged that the driver of the Scorpio was arrested at the spot and on whose disclosure, the house of the other co-accused persons, including the petitioners, was raided and in course of raid total 342 litres of Nepali country made liquor was recovered from the Angan of the house of the petitioners and further from a Maruti Suzuki vehicle, which was parked in the house of the petitioners 17.28 litres of Nepali wine was also recovered.

Learned counsel appearing on behalf of the petitioners submits that the alleged recovery has been made from a joint residential house and so far the Maruti car is concerned, the same belongs to the brother of the petitioners Sanjay Sah. He next submits that the petitioners having fair antecedent, are in custody since 04.04.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted. He further submit that there is non-compliance of Section 100 of the Cr.P.C, apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of



the crime is already complete and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Jhanjharpur P.S. Case No. 62 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain physically present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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