

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45619 of 2022

Arising Out of PS. Case No.-578 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Gauri Shankar Sah, Son of Late Lal Bihari Sah, Resident of Village -
Chousima, P.S. - Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and

learned APP for the State through video conferencing.

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 Sadar P.S. Case No. 578 of 2020 registered for
the alleged offences under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, recovery of total 69.120
litres of India made foreign liquor was made from a pick-up
van. The petitioner is stated to be the owner of the vehicle from
which recovery has been made.



The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner runs a small grocery shop in the village and his vehicle was parked outside the village and someone kept a contraband in its *dala* and he has been made accused merely on suspicion. The petitioner is in custody since 16.05.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and also considering the submission of charge-sheet and period of custody of the petitioner who is having 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 Exclusive Special Judge, Excise Court No-I, Muzaffarpur in connection with Sadar P.S. Case No. 578 of 2020, subject to the other conditions under Section 437(3) of the Cr.P.C. and 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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