

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48090 of 2022

Arising Out of PS. Case No.-118 Year-2021 Thana- BAHERA District- Darbhanga

SANJAY SAH Son of Shiv Kumar Sah Resident of Village - Radiyam, P.S.-
Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavendra Jha

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bahera
P.S. Case No. 118 of 2021 (G.O. No. 647 of 2021) registered for
the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 630 litres illicit foreign wine from the place of occurrence.
Local Chaukidar disclosed the name of present petitioner and
others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.07.2022. Petitioner bears four



criminal antecedents of similar nature. Learned counsel further submits that petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession or personal possession of the petitioner. There is no compliance of Section 100 Cr.P.C. Petitioner is nowhere concerned with the alleged recovery.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise IInd, Darbhanga in connection with Bahera P.S. Case No. 118 of 2021(G.O. 647/2021), subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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