

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49358 of 2022

Arising Out of PS. Case No.-95 Year-2022 Thana- LAUKAHI District- Madhubani

Jibachh Kumar Sah S/o Mukti Lal Sah Resident of Village- Jhahuri, P.S.-
Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Laukahi P.S. Case No. 95 of 2022 lodged under Sections 272
and 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per the prosecution case, total recovery of 117 liter
of Nepali wine has been made, which is subject matter of the
present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that petitioner reside near the border area and 3 persons were

crossing the border with bags on their heads. Learned counsel for the petitioner submits that when the police started searching them then they threw the bags and fled away. He submits that petitioner was not carrying any liquor rather he was returning to his village when the said incident took place. He further submits that petitioner is in custody since 22.04.2022. Charge-sheet has already been filed in this case. Learned counsel for the petitioner submits that at the time of filing this case, due to wrong information, he has submitted clean antecedent of the petitioner but subsequently during pendency he realized that there is 1 criminal case pending against the petitioner, which he has filed in supplementary affidavit and in the said case petitioner is on bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 95 of 2022, subject to the conditions as laid down under

Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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