

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59014 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- ARER District- Madhubani

1. Vijay Sah @ Vijay Bihari @ Vijay Sahu S/O Late Batohi Sah R/O Village-Parsauni, P.S-Bisfi (PATAUNA), District-Madhubani.
2. Sohan Sah S/O Mr. Vijay Sah @ Vijay Bihari @ Vijay Sahu R/O Village-Parsauni, P.S-Bisfi (PATAUNA), District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Let the defects, if any, be removed within

four weeks from today.

Heard learned counsel for the petitioners as
well as learned Additional Public Prosecutor for the
State.

Petitioners seek bail in a case registered in
connection with Arer P.S.Case No. 67 of 2021 for the
offences punishable under Sections 272, 273, 467, 468,
471, 120B of the Indian Penal Code and section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act
2018.



As per the prosecution case, it is alleged that on secret information the police raided a brick kilns. On seeing the police party 15 to 16 persons fled away from the spot. The police seized one container and one pick-up-van from which total 4408.185 liters Indian made foreign liquor and 1200 liters beer was recovered.

Learned counsel for the petitioner submits that petitioner no. 1 and 2 are father and son respectively and their names have transpired on discloser of spy and they are in custody since 16.08.2021. It is submitted that petitioners are neither owner of the vehicles nor they have any concerned with the alleged recovered foreign liquor and beer. It is next submitted that petitioners were neither arrested on the spot nor any incriminating material have been recovered from possession of these petitioners.

The learned A.P.P vehemently opposed the prayer for bail of the petitioner and drawn attention to this Court towards the criminal antecedent of the petitioner as mentioned in Para-3 of the petition.



In reply to the aforesaid submission, learned counsel for the petitioner submitted that so far two cases in connection with SC/ST Act are concerned, in both the cases the petitioners are on bail. So far as the other two cases relating to Excise Act are concerned, the petitioner no. 1 has been remanded after being arrested in the present case.

Having heard the rival contentions of the parties and taking into consideration the fact that, petitioners were not arrested on the spot nor any incriminating material has been recovered from their possession and they are neither owner of the vehicle nor any concerned with the alleged recovery and they are in custody since 16.08.2021, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge Excise, Madhubani in connection with Arer P.S.Case No. 67 of 2021, subject to the condition that one of the bailors will



be the close relatives of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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