

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49506 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- RAIYAM District- Darbhanga

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MADAN PRASAD SAH, son of Surya Narayan Sah, Resident of village-
Basopatti Tole, Kodarkatta, P.S.-Basopatti, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2022 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 Raiyam
P.S. Case No. 24/2022 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 Act, 2016.

As per prosecution case, there is alleged recovery of
total 180 liters illicit Nepali wine from Maruti car in question.
The petitioner and others apprehended on the spot. The
petitioner is alleged to be driver cum owner of the said car in
question.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case merely on suspicion. Nothing has been recovered from the conscious possession of the petitioner or from his car. The petitioner is languishing in custody since 11.05.2022 and bears criminal antecedent of three cases of similar nature and in all cases, he is on bail. The petitioner has to deliver the consignment to co-accused, Manoj Paswan which was loaded from the Godown by the labour. Petitioner was not aware with the goods packed in the Plastic and Jute Sacks as he was asked to deliver the same at his assigned place stating that it is bottles of medicine. The petitioner has no concern with the seized illicit wine.

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, period of custody, argument advanced on behalf of both sides 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Darbhanga in connection with Raiyam P.S. Case No. 24/2022,



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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