

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60051 of 2021

Arising Out of PS. Case No.-157 Year-2019 Thana- HASANPUR District- Samastipur

Sikandar Sah Son of Kailash Sah Resident of Village - Marichi Ujagar, P.S.-
Hasanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate.

For the Opposite Party/s : Mr. Arvind Kumar Pandey(APP. 84)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

The application has been filed for grant of bail to the petitioner above named, who has been made accused and put behind the bar in connection with Hasanpur P. S. Case No. 157 of 2019 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that on 19.07.2019, the Police on secret information raided the place of occurrence, where a Pick-up Van has been found from which



liquor was being unloaded. On seeing the Police party, the accused persons fled away. However, one Deepak Sah was apprehended, who disclosed the name of other co-accused persons. It is further alleged that one motorcycle was found parked near the aforesaid vehicle and this petitioner is said to be the owner of that motorcycle. From the said pick-up van 1455.84 Indian made foreign liquor was recovered.

It is submitted by the learned counsel for the petitioner that this petitioner was not apprehended at the spot nor any recovery has been made from the person of this petitioner or from his motorcycle. The name of the petitioner has been implicated because his motorcycle was found parked near the Pick-up Van. It is also submitted that one Md. Sultan, whose name has come on the disclosure of the co-accused has already been granted anticipatory bail by a Bench of this Hon'ble Court in Cr. Misc. No. 68416 of 2019 vide order dated 27.11.2019 and so far the other co-accused persons are concerned, they have also been granted regular bail by different Benches of this Hon'ble Court. Copy of the orders have been brought on record by way of Annexure 2 (series) to this petition. It is lastly submitted that this petitioner has no criminal antecedent and is in custody since 12.08.2021.



On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that nothing has been recovered from the possession of this petitioner and except the allegation that the motorcycle of the petitioner was parked near the Pick-up Van from which recovery has been made, the petitioner is in custody since 12.08.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge Excise, Samastipur in connection with Hasanpur P. S. Case No. 157 of 2019, subject to the condition that one of the bailors will be the close relative 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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