

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62139 of 2021

Arising Out of PS. Case No.-275 Year-2021 Thana- BRAHMPUR District- Buxar

SANJAY SAH Son of Late Jitendra Sah @ Late Yogendra Sah @ Late
Yogendra Prasad Resident of Village - Yogia, P.S.- Brahmpur, Distt.- Buxar.
... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Adv
For the Opposite Party/s : Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and learned APP
for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Brahmpur P.S. Case No. 275 of 2021 registered under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2018.

124.6 litres illicit wine has allegedly been recovery from the petitioner's house.

The learned counsel for the petitioner submits that recovery is from the joint family property for which the petitioner cannot be held liable. He has no informantion regarding storage of any illicit liquor in his house. He has no criminal antecedent and is in



custody since 07.06.2021.

Learned APP has opposed the prayer for bail.

Considering the submissions, period of custody, the fact that he has no criminal antecedents, and there is no recovery from his conscious possession, this Court is inclined to allow the petitioner's prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Buxar in Brahmpur P.S. Case No. 275 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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