

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51953 of 2022

Arising Out of PS. Case No.-180 Year-2021 Thana- BAHERA District- Darbhanga

SANJAY SAH Son of Shiv Kumar Sah R/V- Radiyam, P.S- Bahera, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anju Jha

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Bahera P.S. Case No. 180 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police got secret information that petitioner and others were about to bring huge consignment of liquor and on the basis of said information police recovered total 3846 litre illicit foreign liquor from the truck in question.

Learned counsel for the petitioner submits that



petitioner is in custody since 23.06.2022 and bears criminal antecedent of four cases of similar nature. He further submits that no incriminating article has been recovered from possession of the petitioner. There is no compliance of Section 100 of the Cr.P.C. He further submits that petitioner is not apprehended on the spot and he has falsely been implicated in this case.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise Act)-II, Darbhanga in connection with Bahera P.S. Case No. 180 of 2021, 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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