

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53705 of 2022

Arising Out of PS. Case No.-68 Year-2021 Thana- DHANGAI District- Bhojpur

Shayamsundar Sah, Son of Late Raghunath Sah R/V- Chougain, P.S-
Bagengola, Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Dhangai P.S. Case No. 68 of 2021 registered
for the alleged offences under Section 30 (A) of the Bihar
Prohibition Act and Excise Act, 2018.

As per prosecution case, recovery of 80 litres of
country made liquor was made from a tempo being driven by
the co-accused Dhanji Yadav. The petitioner is stated to be the
owner of the said tempo.

The learned counsel for the petitioner submits that the
petitioner is not named in the FIR and he was not apprehended



from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has sold his tempo earlier to the co-accused Dhanji Yadav and thereafter he has no concern with the said tempo. The petitioner is thus not the owner of the seized tempo nor the driver of the tempo nor he has anything to do with the alleged recovery from the tempo. The petitioner is in custody since 31.05.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the clean antecedent of the petitioner who was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet and period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Bhojpur, Ara in connection with Dhangai P.S. Case No. 68 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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