

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64435 of 2021

Arising Out of PS. Case No.-171 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Sudama Sah, S/o Ganga Sah, R/o village- Karwar, P.S.- Kargahar, District-
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 24-06-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Durgawati P.S. Case No. 171 of 2021 registered for the alleged offences under Section 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 872.640 liters of foreign liquor was recovered from the Pick Up Van which was being driven by the petitioner, however, learned counsel for the petitioner has submitted that nothing has been recovered from the conscious



possession of the petitioner. The petitioner, being the driver, has no knowledge about loading of illegal liquor and he was not involved in any manner in the alleged occurrence. The petitioner is in custody since 06.08.2021. Regarding the antecedent of the petitioner, learned counsel has submitted that he is also made an accused in Kochas P. S. Case No. 112 of 2018 under Section 30(a) of the Excise Act, 2016 in which he is on bail.

Learned APP has opposed the prayer for bail, submitting that a huge quantity of liquor has been recovered from the vehicle which was being driven by the petitioner. The petitioner was arrested from the spot and he is having criminal antecedent in the same nature.

Having regard to the submissions made hereinabove and considering the 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Kaimur at Bhabhua in connection with Durgawati P.S. Case No.171 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.



(ii) One of the bailors will be a close relative of the petitioner.

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

(iv) In case of absence for 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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