

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65271 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- ARER District- Madhubani

Jeetan Sah S/O Chhtu Sah R/o village- Ithar, Ward No. 5, P.O.- Barha, P.S.-
Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-04-2022 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 for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Arer P. S. Case No. 67 of 2021 registered
for the offences punishable under Sections 272, 273, 467, 468,
471 and 120(B) of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the
Police on a secret information raided a brick kiln. On seeing the
Police party, 15-20 persons fled away from the spot. It is also
alleged that the Police seized one container and one Pick-Up
Van from which total 4408.185 litres Indian made foreign liquor



and 1200 litres of bear was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended from the place of occurrence nor named in the F.I.R.. It is further submitted that the petitioner is neither owner of the seized vehicles/container nor of the land where alleged activities were being carried out. It is also submitted that during the course of investigation no incriminating martial has come against this petitioner, which suggests any complicity of the petitioner in the present case. It is lastly submitted that the name of the petitioner has transpired on the confessional statement of co-accused, namely, Vijay Sah @ Vijay Bihari, who has already been granted bail by this Court in Cr. Misc. No. 59014 of 2021 vide order dated 11.04.2022 and moreover, this petitioner is in custody since 01.10.2021.

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

Having heard the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not named in the F.I.R., his name has come on the confessional statement of co-accused person, who has already been granted bail by this Court. Apart from the fact that no incriminating martial has been recovered from the possession of



this petitioner and he is in custody since 01.10.2021, 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 2nd Additional District and Sessions Judge-cum-Special Judge (Excise), Madhubani in connection with Arer P. S. Case No. 67 of 2021, 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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