

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56616 of 2022

Arising Out of PS. Case No.-206 Year-2022 Thana- RAJNAGAR District- Madhubani

Sushil Kumar @ Sushil Sah Son Of Ramu Sah, R/O Village- Sarisab Pahi,
P.S.- Pandaul, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 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 Rajnagar P.S. Case No. 206 of 2022 registered
for the alleged offences under Sections 272, 273 and 34 of the
Indian Penal Code and Sections 30 (a) and 41 (1) of the Bihar
Prohibition Act and Excise Act, 2022.

As per prosecution case, from the vehicles
intercepted by the police, 63 litres of India made foreign liquor
and 180 litres of Nepali country made liquor were recovered.
From those two vehicles four co-accused persons were
apprehended. The name of the petitioner transpired during



investigation as one of the co-accused persons also involved in the transaction of illicit liquor.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of the confessional statement of the apprehended co-accused persons. Nothing incriminating has been recovered from the conscious possession of this petitioner, who was not apprehended from the spot. The petitioner has no concern in any manner with the alleged recovery of illicit liquor and the vehicles seized by the police do not belong to this petitioner. The co-accused persons have been granted bail by this Court vide order(s) dated 23.11.2022 passed in Criminal Misc. No. 53839 of 2022 and Criminal Misc. No. 54677 of 2022. The petitioner is in custody since 30.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge-sheet and the period of custody of the petitioner, he 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, Madhubani in connection with Rajnagar P.S. Case No. 206 of 2022, 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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