

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 67499 of 2021**

Arising Out of PS. Case No.-687 Year-2021 Thana- LAKHISARAI District- Lakhisarai

RAGHUBIR SAH @ RAGHUBIR KUMAR SAH Son of Late Nakul Shaw
@ Late Nakul Sah Resident of Village - Mirjapurganj, P.S.- Vidyapati Nagar,
Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjeev Kumar, Advocate

For the Opposite Party/s : Dr Kumar Uday Pratap, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Lakhisarai (Ramgarh)
Police Station (for brevity, *PS*) Case No 687 of 2021 registered
on 11.10.2021 for the offence punishable under Sections 272,
273/34 of Indian Penal Code and Section 30 (a) of Bihar
Prohibition and Excise Act, 2018.

355.500 liters illicit foreign liquor was recovered from
the vehicle which the petitioner was allegedly driving.

It is submitted that having no criminal antecedent, the
petitioner has been in custody in this case since 12.10.2021. It
is further submitted that the petitioner was lending his



professional service as a driver and driving the vehicle upon instructions of his master, without having any knowledge that illicit liquor was loaded on the vehicle in question.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge (Excise), Lakhisarai in Lakhisarai (Ramgarh) PS Case No 687 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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