

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56209 of 2022

Arising Out of PS. Case No.-170 Year-2022 Thana- ROHTAS District- Rohtas

Mantu Sah @ Md. Mintu Sah, Son of Late Jinani Sah, Resident of Village-
Aurangabad Saraiya, P.S.- Amjhor, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate
For the Opposite Party/s : Mr.Anil Prasad Singh, 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 Rohtas (Amjhor) P.S. Case No. 170 of 2022
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information about petitioner and co-accused Raju Chaudhary
bringing country made liquor and keeping it on the banks of
Saraiya Son River for selling the same. A raid was conducted at
the identified place and recovery of 85 litres of country made
liquor was made from the spot. Petitioner and other co-accused



are stated to have escaped from the spot when the raid was being conducted.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been named by the local Chowkidar who is on inimical terms with the petitioner. The petitioner is in custody since 09.06.2022 and the charge-sheet has been submitted in this case. 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 considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, 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 Excise Court No.2-cum-Additional District and Sessions Judge,



Rohtas at Sasaram in connection with Rohtas(Amjhor) P.S. Case No. 170 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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)

balmukund/-

U		T	
---	--	---	--

