

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67757 of 2021

Arising Out of PS. Case No.-423 Year-2019 Thana- ALOULI District- Khagaria

SAJJAN SAH S/o Brahmdev Sah R/o Village- Jogia, P.S.- Alauli, Dist-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Alauli

(Excise) P.S. Case No. 423 of 2019 (Special Case No. 787 of

2021) registered for the offence under Section 30(a) of the

Bihar Prohibition and Excise Act.

Recovery is of 6.30 liters of foreign liquor.

Learned counsel appearing for the petitioner

submits that the petitioner, who is of clean antecedent, is

innocent and has falsely been implicated in this case. In fact,



nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the road. The petitioner has not been arrested from the spot rather he has been made accused in this case on the basis of disclosure made by the co-accused. The petitioner has no concern with the alleged recovery. He further submits that the police has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Khagaria in connection with Alauli (Excise) P.S. Case No. 423 of 2019 (Special Case No. 787 of 2021) with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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