

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69080 of 2021**

Arising Out of PS. Case No.-523 Year-2021 Thana- SITAMARHI District- Sitamarhi

Raju Sah, S/o Ram Lakhan Sah Resident of Yadav Nagar, Ward No. 01, P.S.-  
Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashhar Mustafa, Adv.

For the Opposite Party/s : Mr.Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      20-05-2022                      Heard learned counsel for the parties through video  
conferencing in view of COVID-19.

Let the defect(s), if any, be removed within four weeks.

The petitioner is in judicial custody in connection with  
Sitamarhi P.S. Case No.523 of 2021 instituted under Section 414,  
120(B) of the Indian Penal Code, 1860 and Section 30(a), 36 and  
41(1) of Bihar Prohibition and Excise Act.

As per the FIR, the police on secret information that huge  
quantity of Indian made foreign liquor is being unloaded at the house  
of the petitioner herein, the raid was conducted, the ambulance was  
seized and 647.535 liters of the I.M.F.L. was recovered/seized.

Learned counsel for the petitioner submits that he is  
innocent and has falsely been implicated in this case only because the  
said dilapidated house do belong to him but he does not reside there  
nor he was present when the alleged unloading of the I.M.F.L. was



being done. He further submits that the said ambulance too does not belong to him and he had no connection with the said alleged recovery of the 647.535 liters of the illegal liquor. He has further brought on record the different orders of co-ordinate Benches of this Court vide Cr. Misc. No.62169 of 2021, Cr. Misc. No.20498 of 2022, Cr. Misc. No.20955 of 2022, Cr. Misc. No.17475 of 2022, Cr. Misc. No.22086 of 2022 by which bail/anticipatory bail have been granted to the accused persons of the Sitamarhi P.S. Case No.523 of 2021.

The orders provided by the learned counsel for the petitioner is being kept on record.

Considering the fact that the petitioner was not arrested from the spot and nothing has been recovered from his conscious possession as also that the Ambulance does not belong to him and the said house, he claims to be not residing in it with the further facts that charge sheet stands submitted and he is in jail since 25.09.2021 (as stated in para-1 of the bail application), this Court is inclined to grant him privilege of bail with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Sitamarhi P.S. Case No.523 of 2021 to the satisfaction of learned Additional Sessions Judge, IInd-cum-Special Judge (Excise), Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona



fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Prakash Narayan /-

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