

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59845 of 2022

Arising Out of PS. Case No.-136 Year-2021 Thana- RAHIKA District- Madhubani

Lakshman Sah, S/O Maksudan Sah, Resident of village- Simri Bengra, P.S.-
Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, 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 Rahika P.S. Case No. 136 of 2021
corresponding to G.R. No. 1667 of 2021 registered for the
alleged offences under Sections 272, 273 and 34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, recovery of 525 liters of
Nepali country made liquor was made from a Tata Magic van.
The petitioner is said to be its registered owner.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. The petitioner had sold the vehicle in question on 05.08.2021 and the occurrence took place on 13.09.2021. Therefore, the petitioner has no concern with the said vehicle. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 05.09.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission 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 also considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with

Rahika P.S. Case No. 136 of 2021 corresponding to G.R. No. 1667 of 2021, 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)

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