

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68964 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Dinesh Sah S/o Late Sahdeo Sah, R/o Village- Raj Gangapur, P.S.-
Sultanganj, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the petitioner is suffering from various ailments. His liver, kidney and heart are not functioning properly and he was referred for treatment to Jawahar Lal Nehru Medical College and Hospital, Bhagalpur, by the jail doctor of Shaheed Jubba Sahni Central Jail, Bhagalpur.

Heard learned counsel for the petitioner and learned APP for the State.

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 Sultanganj P.S. Case No. 236 of 2022 registered for the alleged offences under Section 30(a) of the Bihar

Prohibition and Excise Act.

As per prosecution case, 2.250 liters of India made foreign liquor was from the house of the petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The alleged recovery has been shown from a joint house property and other family members of the petitioner were also residing in the same house. The bail petition of the petitioner has been dismissed by the learned trial court on the ground of his criminal antecedents but the same are from the old Excise Act and the petitioner is on bail in all such cases. The petitioner is in custody since 11.07.2022 and charge-sheet has been submitted.

Learned APP for the State opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of liquor seized from the house of petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the above named petitioner 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 District & Sessions

Judge-XII-cum-Special Judge (Excise) Court No.2, Bhagalpur,
in connection with Sultanganj P.S. Case No. 236 of 2022,
subject to the conditions mentioned in Section 437(3) of the
Cr.P.C. and 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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