

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14177 of 2023

Arising Out of PS. Case No.-11 Year-2023 Thana- WARISNAGAR District- Samastipur

SUNIL SAH Son of Shankar Sah Resident of village - Satmalpur, Ward No.-
05, P.S.- Warisnagar, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.01.2023 in connection with Warisnagar P.S. Case
No.11/2023, F.I.R. dated 10.01.2023, for the offences punishable
under Sections 30(a), 32(ii)(iii), 41(i)(ii) of the Bihar
Prohibition and Excise (Amendment) Act.

According to prosecution case, total 123 litres of
foreign liquor is said to have been recovered from Mahindra
Bolero Pick up Van bearing registration no. BR33GA-4637.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that nothing
has been recovered from conscious possession of the petitioner



rather the recovery has been made from different pick up van and motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the petitioner was neither the owner nor the driver of the vehicle in question and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 11.01.2023.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Special Judge Excise Court-2, Samastipur in connection with Warisnagar P.S. Case No.11/2023, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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