

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4757 of 2023**

Arising Out of PS. Case No.-58 Year-2022 Thana- KHUTAUNA District- Madhubani

RADHE SAH @ RADHESHYAM SAHU Son of Pratham Lal Sah @  
Pratham Lal Sahu R/V- Bairbona, P.S- Khutouna, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 22377 of 2023**

Arising Out of PS. Case No.-58 Year-2022 Thana- KHUTAUNA District- Madhubani

Pravin Sah @ Pravind Sah @ Praveen Sah Son Of Late Achhe Lal Sah @  
Late Achhelal Sah Resident Of Village - Berbona, Ward No. 1, P.S. -  
Khutauna, Distt. - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 4757 of 2023)

For the Petitioner/s : Mr.Sanjeev Kumar Jha, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

(In CRIMINAL MISCELLANEOUS No. 22377 of 2023)

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      11-07-2023                      Heard learned counsel for the petitioners and the  
learned A.P.P. for the State in both the applications.

The petitioners seek bail in connection with  
Khutouna P.S.Case No.58 of 2022, F.I.R. dated 22.04.2022  
registered for the offence punishable under Sections 272/273/34  
of the Indian Penal Code and Sections 30(a)/38(2) of Bihar



Prohibition and Excise Act.

Recovery is of altogether 2348 liters of illicit liquor.

Learned counsel appearing for the petitioners submits that petitioner-Radhe Sah @ Radheshyam Sahu has clean antecedent and petitioner-Pravin Sah @ Pravind Sah @ Praveen Sah has got one criminal antecedent other than the present one. Further submits that the allegation as alleged in the FIR is false and fabricated and as per allegation in the FIR that altogether 2348 liters 100 Ml of illicit liquor has been recovered from the house and motorcycle of the petitioners and the pick-up-van in question. Learned counsel for the petitioners submits that the petitioners have no concern at all with the pick-up-van in question and the recovery has not been made according to Section 100 of Cr.P.C. and copy of the seizure list has not been given to any family members of the petitioners and allegation with respect to petitioner- Radhe Sah @ Radheshyam Sahu is that he was also indulged with petitioner Pravin Sah @ Pravind Sah @ Praveen Sah and there is no independent witness in the seizure list and the police after investigation, submitted chargesheet against the petitioners and petitioner-Radhe Sah @ Radheshyam Sahu is in custody since 13.12.2022 and petitioner-Pravin Sah @ Pravind Sah @ Praveen Sah is in custody since



01.03.2023 respectively.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Court Excise Act, Jhanjharpur in connection with Khutouna P.S.Case No.58 of 2022, with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-

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