

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22168 of 2023**

Arising Out of PS. Case No.-234 Year-2022 Thana- NIRMALI District- Supaul

=====

Shambhu Sah Son Of Late Kailash Sah @ Kaila Shah Resident Of Village-
Nirmali Ward No. 8, P.S.- Nirmali, District – Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP.

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
S.Tr. No. 1845/2022 arising out of Nirmali P.S. Case No. 234
of 2022 dated 29.11.2022 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and
Excise Act.

3. The main submissions advanced by learned
counsel for the petitioner are that the instant matter relates to
the recovery of 6 litres of *nepali liquor* and the same is stated
to have been recovered from the possession of co-accused
Rajesh Kumar Mandal, who is said to be driver of the alleged
motorcycle, upon which the alleged liquor was being carried,
in fact the petitioner was not apprehended at the spot of



recovery and his name surfaced in the statement of said co-accused Rajesh Kumar Mandal and he has been made accused in this case mainly on account of his criminal antecedents. Further submissions are that the petitioner has been languishing in jail since 23.12.2022 and against him, the investigation has been completed. Further submissions are that though against the petitioner, there are criminal antecedents of several cases but he has got bail in most of the cases except the two cases and in most of the said cases, he was remanded one by one.

4. Learned APP appearing for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the facts that the petitioner was not apprehended at the spot of recovery and his name came into light in the statement of co-accused, who was arrested at the spot at the time of recovery of the alleged liquor and against the petitioner, the investigation has been completed and in the present matter, he has been languishing in jail since 23.12.2022, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail, **after framing of charge**, on furnishing bail bond of Rs.10,000/-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with S.Tr. No. 1845/2022 arising out of Nirmali P.S. Case No. 234 of 2022.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

