

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30466 of 2023

Arising Out of PS. Case No.-106 Year-2022 Thana- SAKRI District- Madhubani

Bhola Das @ Sujeet Kumar Das @ Chhote Das Son Of Manoj Das Resident
Of Village- Budhan Jha Tola, P.S.- Pandaul, District-Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Sakri
P.S. Case No. 106 of 2022, registered for the offences
punishable under Sections 272 and 273 of the IPC and
Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per allegation, from a truck, total 1080 litres
were recovered. The name of the petitioner sprang up on the
confessional statement of apprehended co-accused persons.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner was not arrested from the spot and maliciously, he has been framed in the present case.

He further submits that the petitioner has been languishing in jail since 17.03.2023.

It has also been stated in paragraph no. 3 of the bail petition that apart from the present case, the petitioner is also made accused in one other case.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for regular bail.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten 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 Sakri P.S. Case No. 106 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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