

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47990 of 2023

Arising Out of PS. Case No.-248 Year-2023 Thana- SHERGHATI District- Gaya

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Sambhu Kumar Sah @ Shambhu Kumar @ Shambhu Sao Son of Jagdish Sao
Resident of Village-Jaridih Basti, Saraiya Road, Bhadwar, P.S.-Gandhir
Nagar, District-Bokaro (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
07.06.2023, in connection with Sherghati (Dobhi) P.S. Case No.
248 of 2023, F.I.R. dated 05.03.2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. The case relates to recovery of 40.500 litres of
foreign liquor from the Maruti Suzuki Car and 566.625 litres of
foreign liquor from Tata Company Entra V-30.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that the name of the



petitioner has been transpired on the basis of disclosure made by co-accused person and the petitioner was not apprehended at the spot. He further submits that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the vehicles in question and the petitioner is neither the owner nor the driver of the vehicles in question. He further submits that except the disclosure made by co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner is in custody since 07.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Excise Judge, Court No. 2, Gaya in connection with Sherghati (Dhobi) P.S. Case No. 248 of 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 witness, 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 antecedents, 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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