

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52160 of 2023**

Arising Out of PS. Case No.-342 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Madhepura

=====

Chandan Sah Son Of Jaynarayan Sah Resident Of Village- Village-  
Behrari ,WARD No 02, Ps -SHANKARPUR, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Surya Narayan Yadav, Advocate  
For the Opposite Party/s : Mr.Ahmad Ali, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      18-08-2023                      Heard the parties.

The petitioner is in judicial custody in connection with Excise Case No. 65 of 2020 in connection with Shankarpur P.S. Excise Case No. 342/19-20 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 19.1.2020 by the informant, Prabhu Nath Singh.

As per the prosecution story, on secret information, the police raided the place and under the straw recovered 81 liters of liquor. The name of Jai Narayan Sah and his two sons Chandan Sah (the petitioner) and Kundan Sah cropped up. Accordingly, the FIR.

The case of the petitioner is that the recovery is from



an open place under the straw, nothing to do with the petitioner, he is in jail since 7.5.2023 and do not have criminal antecedent.

Learned APP opposes the prayer.

Taking into account the submission put forward by the learned counsel for the petitioner as also that the alleged recovery is from an open place, he do not have criminal antecedent, FIR lodged and ultimately will be to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge VIIth cum Special Judge Excise Judge-IIInd, Madhepura, in connection with Excise Case No. 65 of 2020 in connection with Shankarpur P.S. Excise Case No. 342/19-20 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Ravi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

