

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48873 of 2023

Arising Out of PS. Case No.-217 Year-2019 Thana- JAYNAGAR District- Madhubani

Vijay Kumar Sah @ Vijay Sah S/O Ram Prit Sahu @ Ramprit Sahu R/O
Village- Korahiya, Ps. Jaynagar, Dist. Madhubani.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with
Jaynagar P.S. Case No. 217 of 2019 corresponding to G.R. Case
No. 830 of 2019 registered for the offence under Sections 272,
273, 414/34 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 12.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 72 litres of IMFL/country made liquor from



the alleged motorcycle.

6. Learned counsel appearing on behalf of the petitioner submitted that the name of this petitioner appears in this case on the basis of disclosure of co-accused, Sunil Kumar Singh, suggesting that recovery not appears to be made from conscious physical possession of this petitioner. It is also submitted that petitioner is also not connected in any manner with seized motorcycle. While travelling over the argument, it is submitted that one of the reason for implication of this petitioner is suspicion arises out of his criminal antecedents, as he found involved in 14 more criminal cases, where he is on bail in 10 cases and in maximum of these cases, his name appears on the basis of disclosure made by co-accused as of the present case. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already



submitted, where petitioner is in custody since 12.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Jaynagar P.S. Case No. 217 of 2019 corresponding to G.R. Case No. 830 of 2019 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 Session Judge-2nd-cum Special Judge, Excise Act, Madhubani/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

veena/-

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

