

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52170 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

Sanjay Hansda @ Sanjay Kumar Hansda S/O Late Kailu Hansda R/O Village-
Kothi Tola, Ward No. 08, P.S. Bihariganj, Dist. Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
25.07.2023 in connection with Madhepura Excise Case No. 67
of 2022 related to Excise Case No.276 of 2022, F.I.R. dated
02.03.2022 registered for the offence punishable under Section
30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Recovery is of 60 liters of illegal country made
Chullai liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from bare perusal of the FIR
as well as the seizure list that nothing has been recovered from



conscious possession of the petitioner rather 60 liters of illegal country made Chullai liquor has been recovered from the place of occurrence and the same does not belong to the petitioner and the petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner is in custody since 25.07.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, nothing has been recovered from possession of the petitioner petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge Excise-II, Madhepura in connection with Madhepura Excise Case No. 67 of 2022 related to Excise Case No.276 of 2022,with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 antecedent, 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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