

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73048 of 2022

Arising Out of PS. Case No.-349 Year-2022 Thana- BIHPUR District- Bhagalpur

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SUGANDHU SAH @ SONU @ SUGANDHU @ SUBANDHU Son of
Umesh Sah @ Umesh prasad Sah R/V- Amarpur Ward No. 2, P.S- Bihpur,
Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and the State
through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection with
Bihpur P.S. Case No. 349 of 2022 instituted under Sections 30(a)
of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, the police on patrolling,
got information about unloading of illicit liquor near old Railway
line as also loading of the same on the Mahindra vehicle. It,
accordingly intercepted the said vehicle. However, the accused
managed to escape and upon search, 81 litre of foreign liquor was
recovered/seized. Further, from the field of Mithilesh Sangahi,
another 35.94 litre of foreign liquor was recovered/seized.
Accordingly, the FIR was lodged.



Learned counsel for the petitioner submits that the second recovery is from the fields of Vivekanand Sangahi and so far as the Mahindra vehicle from which 81 litres of liquor has been recovered/seized, the same does not belong to him. He is a simple labourer who has been implicated in this case.

Learned APP on the other hand opposes the prayer of bail.

Taking into account the aforesaid facts as also that the petitioner does not owns the vehicle nor is a Driver and will be available to Police as and when required during investigation, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Bihpur P.S. Case No. 349 of 2022 to the satisfaction of learned IXth Additional District an Sessions Judge Special Excise Judge, Bhagalpur, District – Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the following conditions :

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



bona fide;

(ii) the petitioner will make himself available before the police as and when required in course of investigation;

(iii) 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/her bail bond by the Trial Court itself;

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

(v) 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;

(vi) 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.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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