

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 67351 of 2022**

Arising Out of PS. Case No.-299 Year-2022 Thana- HARLAKHI District- Madhubani

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SANJAY KUMAR SAH S/O Kanhaiya Prasad Sah R/O Village- Mirjapur,
P.S- Town, Thana, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ashok Kumar, Advocate

For the Opposite Party/s : Mr Bishweshwar Ram, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Harlakhi Police Station (for brevity, **PS**) Case No 299 of 2022 dated 23.09.2022 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2016 and Sections 272, 273/34 of Indian Penal Code.

From the petitioner's auto rickshaw, which he was driving, there is alleged recovery of 135 liters Nepali liquor.

Learned counsel submits that the petitioner was plying his vehicle for earning his livelihood. The liquor, if not planted by the police, may have been left behind in the vehicle, by some passenger regarding which the petitioner had no knowledge. Having no antecedent, petitioner is in custody since 24.09.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to



accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Madhubani in Harlakhi PS Case No 299 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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