

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69801 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- FORBESGANJ District- Araria

SUJIT KUMAR SAH @ SUJEET KUMAR Son of Late Binod Sah @ Binod Prasad Sah Resident of Village - Baba Chowk Dholbajja, P.S.- Forbesganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mrs.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-04-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 02.11.2022 in connection with Forbesganj P.S. Case No.140 of 2022, F.I.R. dated 07.02.2022 registered for the offence punishable under Sections 420,467,468 of IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 2949 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. In fact the petitioner was not arrested at the spot and it appears from the FIR as well as seizure list that nothing has been recovered from possession of



the petitioner rather the recovery has been made from the Truck in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the Truck in question and the name of the petitioner has been transpired during investigation without the name of the disclosure and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 02.11.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the supplementary affidavit.

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner and the name of the petitioner has been transpired during investigation without the name of the disclosure, 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 Exclusive Special Judge Excise-1, Araria in connection with Forbesganj P.S. Case No.140 of 2022, with the following conditions:-

(1) 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.

(2) 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.

(3) 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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