

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70974 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- KHIRHAR District- Madhubani

Sanjay Sah @ Sanjay Kumar Sah Son Of Ram Chandra Sah R/O Village -
Baurhar, P.S.- Khirhar, District- Madhubani, Bihar 847230

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kuldeep Thakur, Advocate
		Mr. Abhishek Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Khirhar P.S. Case No. 68 of 2023, lodged on 11.08.2023, under Sections 272/273/414/34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, FIR has been lodged against the petitioner and total recovery of 468 liters of Wine has been the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that from the seizure-list attached, it transpires that nothing has



been recovered from the possession of the petitioner. He further submits that name of the petitioner has figured in this case by virtue of the confessional statement of the co-accused. He submits that there is no any criminal case pending against the petitioner relating to excise matter. He further submits that one case is pending against him, in which he is on bail, which is relating to the land dispute. Counsel further submits that no excise material has been recovered from his possession. As such, no offence is made out under Excise Act. He submits that petitioner is in custody since 12.08.2023.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Khirhar P.S. Case No. 68 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) 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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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