

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75302 of 2023

Arising Out of PS. Case No.-433 Year-2023 Thana- Excise P.S. District- Samastipur

RAM SOGARATH SAH @ RAM SWARATH SAH Son of Late Balkeshwar Sah @ Late Baleshwar Sah R/o village - Dadhiya Bela, P.S. - Karpurigram, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Samastipur Sadar Excise P.S. Case No. 433 of 2023 (Excise G.R. No. 557 of 2023) registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, on secret information informant along with police team reached at the spot. After seeing the police team one person carrying bag in his hand started fleeing away but he was apprehended on the spot. On query, the said person disclosed his name as Ram Sogarath Sah (petitioner). It is alleged that 9.360 litre foreign liquor was



recovered from the bag in question.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. Petitioner is in custody since 13.09.2023. Petitioner bears criminal antecedent of one case in which he is on bail. Petitioner has been apprehended by the police merely on suspicion. No incriminating article has been recovered from conscious possession of the petitioner. He further submits that petitioner is not engaged in the trade of illicit liquor. The seized liquor does not belong to the petitioner.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Samastipur in connection with Samastipur Excise P.S. Case No. 433 of 2023 (Excise G.R. No. 557 of 2023), subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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