

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76190 of 2023

Arising Out of PS. Case No.-444 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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SHAMBHU SAH Son of Yogendra Sah Resident of Village - Barahuliya,
P.S.- Arer, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sadar
(Mabbi OP) P.S. Case No. 444 of 2023 registered for the
offences punishable under Sections 30(a), 36/41(i) of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, it is alleged that 3429.72
litre of foreign liquor was recovered from a truck bearing
Registration No. BR-11P-2918. It is further alleged that three
persons namely Sadasukh, Sandeep and Sonu Kumar were
apprehended on spot. Apprehended co-accused Sonu Kumar
disclosed that the recovered liquor belongs to the present
petitioner.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Nothing has been recovered from his conscious possession. Learned counsel has orally submitted that the alleged vehicle does not belong to the petitioner. Petitioner is not in any way connected with the alleged occurrence and he was not apprehended on spot. On account of inimical terms with the co-accused Sonu Kumar, he has been falsely implicated in the case. It is further submitted that petitioner is in custody since 28.09.2023. Petitioner bears no criminal antecedent.

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

Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent of the petitioner, petitioner is not apprehended on spot, 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 Exclusive Special Judge-1 (Excise Act), Darbhanga in connection with Sadar (Mabbi OP) P.S. Case No. 444 of 2023 , subject to the 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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