

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1170 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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SONU SAH @ SONU KUMAR S/o Sguvhee Sah @ Shivjee Sah R/v-
Mandir Gali, Singeshwar, P.S.- Singeshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh,Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Madhepura P.S. Case No. 28 of 2022 for the offence
registered under Sections 30(a) of Bihar Prohibition and Excise
Act.

As per the prosecution story, the police upon secret
information one, Sanjeet Ram is in the business of illegal cough
syrup from his motorcycle and Sanjeet Ram was apprehended.
Upon search, 1.600 litres of illegal codeine cough syrup was



recovered from his motorcycle. Accordingly, seized and FIR was lodged.

Learned counsel for the petitioner submits that his name came in the confessional statement of Sanjeet Ram which was only done to save his own skin and due to village politics, he has nothing to do either with the cough syrup or the motorcycle.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact that neither the motorcycle belongs to him nor he was apprehended and even the police had the information about selling of the cough syrup by Sanjeet Ram who was already apprehended and he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

If however, it is found that the petitioner has criminal antecedent, the bail order shall become infructuous.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional



Session Judge-VII-Cum-Special Judge Excise-II, Madhepura in connection with Madhepura Excise P.S. Case No. 28 of 2022 relate to Excise Case No. 281 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next 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 evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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;



(vi) the petitioner shall co-operate in the investigation
and made himself available to the police as and when required.

(Rajiv Roy, J)

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