

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80421 of 2023

Arising Out of PS. Case No.-254 Year-2019 Thana- BIDUPUR District- Vaishali

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Arun Kumar Sah S/O Late Ramchandra Sah R/O Village- Gohi, P.S-
Warisnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bidupur P.S. Case No. 254 of 2019 instituted for the offence under Sections 420, 414 of the Indian Penal Code as well as Section 30(a), 35, 41 of the Bihar Prohibition and Excise Act.

3. The allegation is regarding recovery of huge quantity of illicit liquor from a truck, Alto Car, Indica Maja Car and from a Bolero Vehicle. As far as Bolero Car is concerned, 90 liters of illicit Indian made foreign liquor was recovered and the Bolero Car is stated to be that of the petitioner.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14-08-2023. Petitioner



bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. In fact, petitioner is only the owner of the car and has become victim of the circumstances. Other co-accused person has been allowed anticipatory bail by Co-ordinate Bench of this Court vide order dated 23-01-2020, passed in Cr. Misc. No. 69335 of 2019.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bidupur P.S. Case No. 254 of 2019 subject to the following conditions:

(I) One of the bailors shall be own/close member of the



family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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