

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2866 of 2023

Arising Out of PS. Case No.-224 Year-2021 Thana- GAIGHAT District- Muzaffarpur

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SANJAY SAH S/o Shiv Kumar Sah R/o Village- Radiyam, Police Station-
Bahera, District- Darbhanga, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anju Jha, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Gaighat P.S. Case No.224 of 2021 registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a), 36, 41(1) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution, the informant alleged that this petitioner's name transpired into confessional statement of apprehended persons to be involved in illegal business of liquor.



The main submissions advanced by the learned counsel Mrs. Anju Jha for the petitioner are that the petitioner was not apprehended at the spot and against him there are criminal antecedents of four cases in which he is on bail and petitioner's name surfaced in the alleged crime of smuggling in the statement of co-accused Amar Nath Sah, who has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.59838 of 2021 and all the co-accused persons who were apprehended at the spot with the alleged wine have also been granted bail by different benches of this Court vide orders passed in Cr. Misc. Nos.10540 of 2022, 27011 of 2022, 13591 of 2022, 52820 of 2022, 68137 of 2022 and 7842 of 2022 and the petitioner has been languishing in jail since 09.11.2022 and he was not concerned with the alleged vehicles which were seized at the spot.

Learned APP Mr. Arun Kumar appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, and mainly the privilege of bail having been granted to several co-accused persons by different benches of this Court vide orders passed in above-mentioned Cr. Misc. cases and mainly the co-accused Amar Nath Sah who revealed the role of this petitioner in the



alleged crime is on bail as stated above and also the fact that the petitioner was not apprehended at the spot with the alleged wine, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Gaighat P.S. Case No.224 of 2021.

(Shailendra Singh, J)

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