

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9919 of 2024

Arising Out of PS. Case No.-612 Year-2023 Thana- Excise P.S. District- Madhubani

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SHAMBHU SAH SON OF LALO SAH @ LALEE SAH RESIDENT OF
VILLAGE / MOHALLA - ALLALPATTI, WARD NO. 28, P.S. -
LAHERIASARAI, DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 09-02-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The instant Criminal Miscellaneous Application arises out of F.I.R., bearing Sadar Excise P.S. Case No. 612 of 2023 lodged on 13.09.2023 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Earlier the bail application of the petitioner has been rejected vide order dated 04.12.2023 passed in Cr. Misc. No.78245 of 2023 by this Court.

4. The learned Advocate for the petitioner submits that in the instant case charge sheet has been filed on completion of investigation, therefore, for the purpose of investigation



detention of the accused is not necessary.

5. Learned advocate for the petitioner further submits that petitioner is innocent and he has falsely been implicated in this case. Petitioner is neither owner nor the driver of the vehicle in question and he has no concerned with the alleged recovery. The petitioner is in judicial custody since 14.09.2023.

6. The learned Additional Public Prosecutor for the State has raised objection against the prayer for bail, this Court is of the view that on the basis of finding made herein above, the petitioner is entitled to be released on bail.

7. Accordingly, the petitioner, above-named, may be granted bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, one of whom must be a local surety, to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, (Excise Act), Madhubani in connection with Sadar Excise P.S. Case No. 612 of 2023, subject to conditions that :-

(a) If the petitioner is on bail, he will not leave outside the jurisdiction of the District of Darbhanga without prior permission of the Investigating Officer and he will attend the trial on each and every date in the Trial Court.

8. Failure on the part of the petitioner to comply with



any of the above directions will entail the learned court below to
cancel the bail of the petitioner without any further order.

(Bibek Chaudhuri, J)

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