

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56434 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- RAGHOPUR District- Supaul

Raushan Sah S/O Shyam Kuamr Sah @ Shyam Sah R/O Ward No. 05,
Piprahi, P.S- Raghobpur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Adv.
For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 30-08-2024 Heard learned counsel for the petitioner and

learned A.P.P for the State.

2. The petitioner seeks bail in connection with ST
Excise Case No. 748 of 2024 arising out of Raghobpur P.S.
Case No. 57 of 2024 dated 17.02.2024 registered for the
offence punishable under Section 30 (a)/41 of the Bihar
Prohibition and Excise Act.

3. The allegation is of recovery of 210.900 litres of
country made Nepali liquor from Tempo bearing Reg. No.
BR50P-5561.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. It is submitted that only on the basis of confessional statement of apprehended person, the petitioner has been made accused in this case. Nothing has been recovered either from possession of the petitioner or from his house. It is submitted that petitioner is neither owner of the tempo nor is the driver of the said tempo. It is also submitted that in the present case neither the seizure list has been prepared nor it has been made part of the F.I.R. or brought on record by the prosecution and also no certified copy has been supplied to the petitioner along with the F.I.R. It is further submitted that there is no mentioning of seizure list or examination of seizure list witnesses in the entire case diary which does not inspire confidence. It is submitted that there is no material evidence against the petitioner. Only on the basis of suspicion, the petitioner has been arrested. It is submitted that Nand Kumar, who was arrested at the spot has been granted bail by this Court *vide* order dated 26.07.2024 passed in Criminal Miscellaneous No. 40089 of 2024. Lastly, it has been submitted that the petitioner is in custody since 20.05.2024, having one criminal case against him and charge-sheet has been submitted in the case.



5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Supaul in connection with ST Excise Case No. 748 of 2024 arising out of Raghapur P.S. Case No. 57 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of



similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

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