

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84651 of 2024

Arising Out of PS. Case No.-1539 Year-2024 Thana- Excise P.S. District- East Champaran

Sunil Sah Son of Late Rajvanshi Sah @ Rajwanshi Sah Resident of Village-Shankar Saraiya, Rama Singh Tola (Babu Tola) P.S.- Turkauliya, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-12-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Case No. 1539 of 2024 for the offences punishable under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, lodged on 14.09.2024 by the informant, Saddam Hussain Ansari.

3. As per the prosecution story, the informant alleged that Police upon information, intercepted a motorcycle and there is recovery/seizure of 62 liters liquor. The person apprehended was Kailash Ram who owns the motorcycle and he gave the name of this petitioner who just zoomed pass the accused in another motorcycle. This led to the F.I.R.

4. It is the case of the petitioner that absolutely nothing has been recovered from his conscious possession, the



police apprehended Kailash Ram who gave the name, which led to his implication and only because of criminal antecedent, he is in custody and if granted bail and involved in any further criminal act, the prosecution shall be free to take steps for cancellation of his bail bond.

5. Learned APP for the State opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the aforesaid facts as also the recovery/seizure is from Kailash Ram, on his confession, this petitioner has been dragged, he is in custody since 05.10.2024 and an undertaking has been given that if he involved in any further criminal act, the prosecution shall be free to take steps for cancellation of his bail bond, in that background, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Court No.-02, East Champaran, Motihari in connection with Excise P.S. Case No. 1539 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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 six months to mark his 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 bail bonds.

(Rajiv Roy, J)

vinayak/-

U		T	
---	--	---	--

