

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.410 of 2024

Arising Out of PS. Case No.-113 Year-2023 Thana- ANDHRAMATH District- Madhubani

Indal Sah S/o Ramchandra Sah Resident of Village -Bikramsher, P.S.-
Andhramath, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Andhramath P.S. Case No. 113 of 2023, G.R. No. 550 of 2023
registered for the offences punishable under Sections 272 and
273 of the IPC and section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. As per prosecution case, informant got secret
information that petitioner is transporting the huge consignment
of illicit liquor in the white Scorpio and on receipt of such
information, informant alongwith his team proceeded and
intercepted the said Scorpio and from the said Scorpio 1080 litre
illicit liquor was recovered. The driver of the said Scorpio is
said to have fled away from the spot.



4. Learned counsel for the petitioner submits that petitioner is in custody since 11.10.2023 and bears criminal antecedent of one case and orally submits that he is on bail in the aforesaid case. He further submits that petitioner is not apprehended on spot. Petitioner is neither owner nor driver of the said Scorpio in question. Nothing has been recovered from the conscious possession of the petitioner. He further submits that name of the petitioner transpired in the case on the basis of secret information but the source of secret information has not been divulged in the FIR. Petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Jhanjharpur, District-Madhubani in connection with Andhramath P.S. Case No. 113 of 2023, G.R.



No. 550 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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