

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8556 of 2019

Arising Out of PS. Case No.-110 Year-2018 Thana- BARGAINIA District- Sitamarhi

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DASRATH DAS, aged about 28 years, (M) S/o Badri Das village-Nandwara,
P.S-Bairgania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Bairgania P.S. Case No. 110 of 2018** registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 126 litre Nepali Saufi wine from two bags which was being carried by the petitioner and other co-accused.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. He was not apprehended on spot. Nothing has been recovered from his possession. It has been further submitted that similarly placed co-accused persons have been granted bail by co-ordinate Bench



of this Court vide order dated 27.09.2018 passed in Cr. Misc. No. 59518 of 2018. Petitioner has got no criminal antecedent and is in custody since 17.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **A.D.J.-II-Cum-Special Judge, Excise Act, Sitamarhi**, in connection with **Bairgania P.S. Case No. 110 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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