

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9452 of 2019

Arising Out of PS. Case No.-340 Year-2018 Thana- DALSINGHSARAI District- Samastipur

VISHWANATH DAS, aged about 63 year, (M) S/o Late Laxman Das
Resident of Village- Gado Bajitpur, P.S- Dalsingsarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 20-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Dalsingsarai P.S. Case No. 340 of 2018** registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and under Sections 30(a) and 41 (i) of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 5.160 litre of foreign liquor from the house of the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to high handedness of police. He has no concerned with the alleged recovery. Nothing has been recovered from his possession. Petitioner has got no criminal antecedent and is in custody since 14.11.2018.

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 **3rd Additional Sessions Judge-cum-Special Judge Excise, Samastipur**, in connection with **Dalsingsarai P.S. Case No. 340 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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