

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11266 of 2019

Arising Out of PS. Case No.-99 Year-2018 Thana- BARHARIA District- Siwan

SOMARI SAH @ KRISHNA SAH, aged about 22 years, Male, Son of
Balister Sah, R/o village- Rasulpur, P.S- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Ms.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 01-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Barharia P.S. Case No.99 of
2018 registered for the offence punishable under Sections 272,
273, 308, 34 of the Indian Penal Code and Sections 30(a) and
41(i) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 233.28 litres foreign
liquor from the straw house of the petitioner and other co-
accused.

It has been submitted on behalf of the petitioner that
petitioner is innocent and has falsely been implicated in this
case. It has further been submitted that nothing was recovered
from the conscious possession of the petitioner. Similarly placed
co-accused Manoj Kumar has already been granted bail by a
co-ordinate Bench of this Court vide order dated 10.08.2018



passed in Cr. Misc. No.49028 of 2018. Petitioner is in custody since 25.08.2017.

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 ADJ-cum-Special Judge, Excise Court, 2nd, Siwan in connection with Barhariya P.S. Case No.99 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.

(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 offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

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