

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1484 of 2019

Arising Out of PS. Case No.-120 Year-2017 Thana- GOPALPUR District- West Champaran

Jokhu Sah Yogi Sah @ Yogendra Sah Resident of Village – Tengarahiya, P.S.
Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Smt. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 31-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Gopalpur P.S. Case No. 120 of 2017 registered for the offence punishable under Sections 461, 379/34 of the Indian Penal Code and 30(A) of Bihar Prohibition & Excise Act.

It is contended that, as per allegation 38.25 litres of Nepali liquor was taken away by the seven named accused persons from Malkhana of the police station.

It has been submitted on behalf of the petitioner that petitioner is not named in the FIR. Name of petitioner has come during course of investigation. No incriminating material has been recovered from the possession of petitioner. It has been further submitted that FIR named co-accused, namely



Chandrashekhar Pandit and Bira Sahni have been granted bail as contained in Annexure-2 series. Petitioner has no criminal antecedent and he is in custody since 24.09.2018.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran, in connection with Gopalpur P.S. Case No. 120 of 2017 subject to the conditions that:-

(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 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)

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