

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19797 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- SHASTRINAGAR District- Patna

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BHOLA SAH S/o- Rajendra Sah @ Gajendra Sah Resident of Village- Turki,
P.S.- Kudhni, District- Muzaffarpur, present R/o Mohalla- Raja Bazar,
Machhali Gali Chourasiya Market, Dharmendra Chourasiya Ke Makan Mai
Kiraidar, P.S.- Shastrinagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-06-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Shastri Nagar P.S. Case
No. 79 of 2020, Spl. No. 1137 of 2020**, registered for the
offence punishable under Section 30(a), 37(b)(c) of the Bihar
Prohibition and Excise Act, 2016.

102 litres of country made liquor is said to have been
recovered from a hut. Petitioner is alleged to be one of the
persons, who fled away from the place of occurrence.

It is submitted by learned counsel appearing on behalf
of petitioner that petitioner is innocent and has falsely been



implicated in this case. Nothing has been recovered from possession of this petitioner. The hut does not belong to this petitioner. Petitioner has no concern with the seized liquor. Provision of section 100 Cr.P.C has not been followed. Moreover, co-accused Bachhu Rajak has been granted bail by a coordinate Bench of this court vide order dated 14.05.2020 passed in Cr. Misc. No. 18296 of 2020. Petitioner is in custody since 03.02.2020.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Special Judge Excise Act, Patna** in connection with **Shastri Nagar P.S. Case No. 79 of 2020, Spl. No. 1137 of 2020**, subject to the following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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