

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37724 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- RAJPUR District- Buxar

Shyam Narayan Sah, S/O Late Shankar Sah, R/o village- Hethua, P.S.-
Rajpur, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 14-12-2021 The applicant/accused in Crime No. 40 of 2021 registered with Rajpur Police Station for the offences punishable under Sections 467, 468, 469, 471 and 120(B) read with Section 34 of the Indian Penal Code as well as Sections 30(a)(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018, by this application is seeking his release on bail during pendency of the trail. It is reported that the applicant is behind bars from 09.02.2021.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

The Police Officer, Krishna Kumar Singh had conducted raid at the semi constructed house of accused Awadh Bihari Sah and seized illicit liquor from that house.



The applicant is stated to be present at that semi constructed house at the time of raid.

The investigation of the crime is over. The applicant is undergoing pretrial detention from February, 2021. In this view of the matter, further pretrial detention of the applicant is not warranted and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 40 of 2021 registered with Rajpur Police Station for the offences punishable under Sections 467, 468, 469, 471 and 120(B) read with Section 34 of the Indian Penal Code as well as Sections 30(a)(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018 be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.



(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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