

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8121 of 2021

Arising Out of PS. Case No.-163 Year-2020 Thana- DHAKA District- East Champaran

Motichand Sah S/O Chulhai Sah Resident of Village - Bhandar, P. S. - Dhaka
(Pachpakri O.P.), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma
		Mrs.Rashmi Jha
For the Opposite Party/s :		Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 17-04-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Dhaka (Pachpakri) P.S.
Case No. 163 of 2020, registered for the offence under Section
30(a) of Bihar Prohibition and Excise Act.

As per the prosecution case, 87 liters of Nepali wine
was recovered from the hut of the petitioner.

It is submitted on behalf of the petitioner that nothing
has been recovered from the conscious possession of the
petitioner and the hut in question does not belong to the
petitioner. Petitioner claims clean antecedent and he is in
custody since 19.10.2020.

Considering the fact that no incriminating article has



been recovered from the conscious possession of the petitioner coupled with the fact that petitioner has got clean antecedent, the bail application of petitioner is allowed. Let the above named petitioner be released on bail on 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, Motihari, East Champaran in connection with Dhaka (Pachpakri) P.S. Case No. 163 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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