

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2006 of 2022

Arising Out of PS. Case No.-372 Year-2021 Thana- CHANPATIA District- West Champaran

MANRAJ SAH S/o Mewalal Sah Resident of Village- Lala Tola, P.S.-
Sirisiya O.P. (Chanpatia), 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.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Chanpatiya (Sirisiya O.P.) P.S. Case No. 372 of 2021 registered
for the offences punishable under Sections 413, 414 of the
Indian Penal Code read with Section 30(a) of the Bihar
Prohibition & Excise Act.

As per prosecution case, there is alleged recovery
of 9 bags Nausadar each containing 50 KG, 8 bags sugar each
containing 50 Kg and 4 Kg Nausadar, Two quintal Gur (Mittha),
one packet polythene and parts of a Hero Honda Motorcycle
from the house-cum-shop of co-accused Mewalal Sah who is



the father of present petitioner. It is alleged that co-accused Mewalal Sah was apprehended by the police and he disclosed that house in question belongs to him and shop in question is being run by him and petitioner. It is alleged that petitioner fled away at the time of raid.

Learned counsel for the petitioner submits that petitioner is in custody since 06.11.2021. Petitioner bears one criminal antecedent. Charge-sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. He further submits that petitioner is not apprehended on the spot. He further submits that nothing has been recovered from conscious possession of the petitioner. Seizure list has not been prepared as per law. He has further submitted that no illicit liquor has been recovered from the house-cum-shop of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge-sheet has already been submitted, petitioner is not apprehended on the spot and argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner



above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Chanpatiya (Sirisiya O.P.) P.S. Case No. 372 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

shahzad/-
amit

U		T	
---	--	---	--

