

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4286 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- LAURIA District- West Champaran

Thag Sah @ Suresh Sah Son of Late Raghuni Sah R/O Village- Deurwa, P.S.-
Lauriya, District- West Champaran (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Adv.

: Mr. Anuraj Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-06-2022 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.

The petitioner seeks bail in connection with Lauriya
P.S. Case No. 160/2021 registered for the offences punishable
under Sections 272, 273, 307, 328 read with 34 the Indian Penal
Code, 1860 and Section 30 (a), 33, 34(a), 34(b), 34(b)(ii), 34(b)
(iii) of the Bihar Prohibition and Excise Act.

As per prosecution case, allegation against the
petitioner alongwith other accused persons is of selling and
preparing the illicit liquor due to which several persons got ill
after drinking liquor.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case mere on suspicion and the witnesses have not supported the case of the prosecution. The name of the petitioner has been roped in a similar case, the police is making the present petitioner accused in all the further cases of liquor in a mechanical manner. He further submits that nothing has been recovered by the police in pursuance of the alleged extra judicial confession which may hit the provision of Section 27 of the I.P.C. He further submits that the petitioner is in custody since 23.07.2021 and petitioner bears criminal antecedent of three cases of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody and 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 Lauriya P.S. Case No. 160/2021,



subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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)

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