

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6835 of 2022

Arising Out of PS. Case No.-19 Year-2021 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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SHANKAR SAH Son of Late Sukh Sagar Sah Resident of Mohalla- Amgola
Kali Asthan, P.S.- Kazimohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad
For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-06-2022 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

Kazimohammadpur (KMP) P.S. Case No. 19 of 2021 registered

for the offences punishable under Section 30 (a) of the Bihar

Prohibition and Excise Act 2016.

As per prosecution case, there is alleged recovery

of 30 liters country made *mahua* liquor from the hut situated

under the land of Bengali Sansthan. The name of the petitioner

and others were surfaced on secret information received by the

police that involved in the alleged occurrence of seized liquor.

Learned counsel for the petitioner submits that petitioner bears criminal history of one case in which he is on bail and it is submitted that petitioner is in custody since 06.12.2021, charge sheet has already been submitted and there is no likelihood of tampering the evidence. Nothing has been recovered from the possession of the petitioner and petitioner is not apprehended at place of occurrence. There is alleged recovery from the hut situated under the land of Bangali Sansthan and place of recovery did not belong to the petitioner and he is falsely been implicated in the case due to some ulterior motive. It is submitted that co-accused Shivji Sah has already been granted bail by a coordinate bench vide Cr. Misc. No. 34476 of 2021 and the case of the present petitioner stands on similar footing.

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

Considering the facts and circumstances of the case as well as period of custody and the co-accused has already been granted bail by a coordinate bench 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the

like amount each to the satisfaction of learned Special Judge
Excise Court No. 1, Muzaffarpur in connection with
Kazimohammadpur (KMP) P.S. Case No. 19 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 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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