

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13750 of 2022**

Arising Out of PS. Case No.-397 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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PAWAN SAH @ PAWAN KUMAR SAH Son of Late Sadho Sah Resident of
Village - Athgama, P.s.- Kharik, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mrs.Asha Devi

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-07-2022 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
Kotwali (Barari) P.S. Case No. 397 of 2018 registered for the
offences punishable under Section 30(a) of Bihar Prohibition
Excise Act.

As per prosecution case, there is alleged recovery
of 40 litre country made wine from the car in question and the
said car has been found parked in an abandon condition in the
middle of the road. The FIR has been lodged against owner of
car in question.



Learned counsel for the petitioner submits that petitioner has been remanded in this case from Sanokhar P.S. Case No. 133 of 2020 as being owner of car in question on 07.05.2021 and since then he is in judicial custody. He further submits that petitioner is quite innocent and has committed no offence and he has falsely been implicated in this case. Petitioner is not apprehended on the spot. Petitioner bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence, petitioner is not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Bhagalpur in connection with Kotwali (Barari) P.S. Case



No. 397 of 2018, 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)

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