

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15215 of 2022

Arising Out of PS. Case No.-196 Year-2021 Thana- SUPPI District- Sitamarhi

VIPIN SAH S/O LCHAUBE SAH RESIDENT OF VILLAGE- MOHANI
MANDAL P.S.- SUPPI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 30.01.2022, seeks
regular bail in connection with Suppi P.S. Case No. 196 of 2021
registered for offences punishable under Sections 30(a), Bihar
Prohibition and Excise Act, 2018.

As per the allegation made in the FIR, altogether
145.5 litres of Nepali saufi wine was recovered from a
motorcycle.

Learned counsel appearing on behalf of the petitioner
submits that petitioner was neither arrested on the spot nor any
recovery was made from his possession. He has no concern
either with the alleged seized liquor or with the seized



motorcycle. He further submits that because one case of similar nature is pending against him, on mere suspicion, the police has implicated the petitioner in the present case. Petitioner is in custody since 30.01.2022.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the nature of allegation made in the FIR against the petitioner and the fact that nothing was recovered from his conscious possession, petitioner has remained in custody since 30.01.2022 on mere suspicion. The trial of the case is not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 200,000/- (Rupees Two Lacs) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Special Excise Court-I, Sitamarhi District-Sitamarhi in connection with Suppi P.S. Case No. 196 of 2021 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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