

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18611 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

VISHWANATH SAH Son of Late Ramchandra Sah Resident of Village-
Motipur Purani Bazar, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-08-2022 The present matter has been listed under the heading :
“To Be Mentioned” on the basis of mentioning slip filed on
behalf of the petitioner.

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 Ahiyapur
P.S. Case No. 159/2021 registered for the offences punishable
under Section 30(c) of the Bihar Prohibition and Excise Act,
2016, Sections 20, 22 of the Narcotic Drugs and Psychotropic
Substances Act and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, the police official got
information that the petitioner and others are involved in illegal



business of spirit and they have kept machine for packaging pouches of liquor. Police raided the place and recovered one country made loaded pistol, one old pistol without magazine, 12 pieces of empty cartridges, 500 grams Ganja, mobile phones and machine for packing liquor. Co-accused, Sandeep Kumar Chaudhary was apprehended on the spot. On interrogation he disclosed the name of petitioner and others.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. No incriminating articles has been recovered from the possession of the petitioner. The name of the petitioner sprang up in this case on the basis of confessional statement of co-accused, Sandeep Kumar. The petitioner is languishing in custody since 15.01.2022 and bears criminal antecedent of twenty cases more or less similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Sandeep Kumar Chaudhary @ Sandeep Chaudhari against whom recovery has been made has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.48907/2021 and other co-accused, Santosh Sah and Rajesh Ranjan @ Tunna Singh have already been granted bail by the co-ordinate Benches of this



Court vide Cr. Misc. No.48219/2021 and Cr. Misc. No.50686/2021 respectively, the case of the present petitioner stands on better footing.

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 in this case and there is no likelihood of tampering with the prosecution evidence 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Exclusive Excise Judge-Ist, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 159/2021, 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 without appropriate permission, 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(v) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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