

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19877 of 2022

Arising Out of PS. Case No.-447 Year-2021 Thana- PAROO District- Muzaffarpur

PINTU KUMAR SAH S/o Kishori Sah Resident of Village- Rampur Kesho
@ Malahi, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Rajpati
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 Paroo
P.S. Case No. 447 of 2021 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 35 litres illicit country made liquor from the place of
occurrence. The petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 19.11.2021 and bears criminal
antecedent of two cases of similar nature. Charge sheet has been
submitted in the case and there is no likelihood of tampering



with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner and he has falsely been implicated by police at the instance of his enemies.

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 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Act, Court No. II, Muzaffarpur in connection with Paroo P.S. Case No. 447 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 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.

(Alok Kumar Pandey, J)

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