

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20400 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- TISIAUTA District- Vaishali

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Shyam Shah @ Shyam Kumar Sah, Son of Late Mahendra Shah, Resident of
Village - Loma, P.S.- Tisiauta, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Tisiauta P.S. Case No. 76 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, while police was giving chase to a truck, the petitioner and co-accused Nilesh Chaurasiya overtook the police vehicle, gave some signal to the driver of the truck and the driver left the truck in the middle of the road and ran away from there. From the truck, 3510 litres of



India made foreign liquor was recovered.

The learned counsel for the petitioner submits that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The prosecution story is not believable that in the light of the passing vehicles and in the darkness of night the police was able to identify a person going on motorcycle. The seizure list has been prepared in violation of the provisions of Section 100(4) of the Cr.P.C. The petitioner is in custody since 28.02.2022 and the charge-sheet has been submitted in this case.

Learned APP vehemently opposes the prayer for bail submitting that the huge quantity of liquor has been recovered and the petitioner is involved in the illicit trade of liquor.

Having regard to the facts and circumstances of the case and considering the nature of allegation against this petitioner that he is supposedly gave signal to the driver of the offending truck and there appears no further substantive piece of evidence against this petitioner on record and further considering the fact that the charge-sheet has been submitted in this case and the petitioner is in custody since 28.02.2022, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court (2nd)-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 76 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and the following conditions :

(i) One of the bailors will be the deponent, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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