

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20689 of 2022**

Arising Out of PS. Case No.-140 Year-2021 Thana- CHANAN District- Lakhisarai

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PRAKASH SAO @ OM PRAKASH SAW Son of Eno Sao @ Tuno Sao
Resident of Village - Gopalpur Gumti Tola, P.S.- Chanan, District -
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Bishweshwar Ram

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**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.

The petitioner seeks bail in connection with Chanan

P.S. Case No. 140/2021 registered for the offences punishable

under Sections 272, 273, 34 of the Indian Penal Code and

Sections 30(a), (B) (C) of the Bihar Prohibition and Excise

Amendment Act, 2018.

As per prosecution case, there is alleged recovery of

total 100 liters country made mahua liquor from the bush of the

forest. The petitioner was not apprehended on the spot. Villagers

and local Chowkidar had disclosed the name of petitioner and



others who fled away.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner was neither apprehended on the spot nor incriminating articles has been recovered from the conscious possession of the petitioner. The name of the petitioner has been sprang up in this case on the disclosure of villagers and local Chowidar. There is no compliance of Section 100 Cr.P.C. The petitioner is languishing in custody since 31.01.2022 and bears criminal antecedent of two cases in which one is of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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 as well as period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted 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 District and Sessions Judge



cum Special Excise Court-1st, Lakhisarai in connection with Chanan P.S. Case No. 140/2021, 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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