

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20513 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- KARJA District- Muzaffarpur

Shyam Prakash Sah Son Of Harindra Sah R/O - Gopalpur, P.S.- Karja,
District- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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 Karja P.S. Case No. 221 of 2021 registered for the alleged offences under Sections 272, and 273/34 of the Indian Penal Code and Sections 30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, a raid was conducted on the tyre-puncture shop of co-accused Md. Allauddin on information being received about storage of illicit liquor there for sale. Three co-accused persons including this petitioner are



stated to have escaped from that place.

The learned counsel for the petitioner submits that petitioner has been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Furthermore, the petitioner is not the owner of the shop from where the recovery is allegedly been made. Charge-sheet has been submitted and the petitioner is in custody since 02.12.2021.

Learned APP opposes the prayer for bail submitting that the petitioner fled away from the spot.

Having regard to the submissions made hereinabove and also considering the fact that nothing incriminating has been shown to have been recovered from this petitioner and further considering the submission of charge-sheet along with period of his custody, 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 Special Judge (Excise) No. II, Muzaffarpur in connection with Karja P.S. Case No. 221 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be the person who has



sworn the affidavit on behalf of the petitioner.

(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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