

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24881 of 2022**

Arising Out of PS. Case No.-164 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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VISHWANATH SAH SON OF LATE RAM CHANDRA SAH R/O-
PURANI BAZAR, MAHMMADPUR BALMI, P.S.- MOTIPUR, DISTRICT-
MUZAFFARPUR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Preety Kunwar

For the Opposite Party/s : Mr.Nityanand

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 01-08-2022 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

Muzaffarpur Sadar P.S. Case No. 164 of 2021 registered for the

offences punishable under Sections 272, 273, 120(B)/34 of the

Indian Penal Code read with Section 30(a) of the Bihar

Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery

of 4400 litres of illicit raw spirit from the truck in question.

Learned counsel for the petitioner submits that

petitioner is in custody since 19.01.2022. Petitioner bears



criminal antecedent of many cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Petitioner is not apprehended on spot. The petitioner is not at all concerned with the alleged illicit raw spirit. The petitioner has been made accused in the present case on the confessional statement of co-accused Sanjeev Singh. Nothing has been recovered from the possession of the petitioner.

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 is not named in the F.I.R. and he is not apprehended on spot, charge-sheet has already been submitted 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 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court No. 1, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 164 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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