

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26555 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Prahlad Sah, Son of Rambabu Sah, R/o Village- Pachtaki Yadu, Ward No.- 08,
P.S.- Bairganiyan, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Santsoh Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sitamarhi Excise Case No. C2- 85 of 2022
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that while the
petitioner was trying to enter into India from Nepal, he was
intercepted by S.S.B. personnel and on search being made total
126 litres of illicit Nepali Saufi liquor was recovered.



It is submitted by the learned counsel for the petitioner that in fact nothing has been recovered from the conscious possession of the petitioner and only on account of some altercation, which took place between the SSB personnel and this petitioner, he was apprehended and the recovery has been shown from his possession. It is next submitted that there is no compliance of the provisions of Section 100 of the Cr.P.C. further no independent witness to the same seizure list. It is lastly submitted that the petitioner is in custody since 07.03.2022 having fair antecedent and moreover the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, apart from the fact that the petitioner is in custody since 07.03.2022 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Excise Court-II, Sitamarhi in connection with Sitamarhi Excise Case No. C2- 85 of 2022 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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