

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26785 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- DURAULI District- Siwan

BIRENDRA SAH SON OF LATE MOHAN SAH RESIDENT OF
VILLAGE- EMALITOLA DARAULI, P.S- DARAULI, DIST- SIWAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2022 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
Darauli P.S. Case No. 70 of 2022 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 195 litres country made mahua liquor from the place of
occurrence. The petitioner along-with others is apprehended on
spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.03.2022. Petitioner bears no



criminal antecedent. 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 nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovered illicit liquor. There is no compliance of Section 100 of Cr.P.C.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd – Special Judge, Excise, Siwan in connection with Darauli P.S. Case No. 70 of 2022, 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)

amitkr/-

U		T	
---	--	---	--

