

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27494 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- HIRAMMA P.S. District- Sheohar

MANOJ SAH Son of Late Kameshwar Sah Resident of village - Dumma,
Ward No.- 06, P.S.- Hiramma, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate.

For the Opposite Party/s : Mr. Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ratanakar Jha, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Hiramma P. S. Case No. 49 of 2021 registered for the offences punishable under Sections 30 (a), 30 (c), 30 (D) and 41 (I) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police, on a secret information that some persons are engaged in buying and selling of illicit wine, raided the place of occurrence



and on search, total 84.81 litres foreign liquor and 10 litres country-made liquor along with other utensils and apparatus were recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession, his name has been disclosed by the person, who apprehended at the place of occurrence. It is further submitted that the co-accused person, namely, Suresh Sah has already been granted bail by this Hon'ble Court in Cr. Misc. No. 53221 of 2021 vide order dated 11.03.2022. It is next submitted that this petitioner is in custody since 25.01.2022, having a man of fair antecedent.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and one of the co-accused persons, having identical allegation, has already been granted bail by this Hon'ble Court, let the petitioner, above named, 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 Additional Sessions Judge II-cum-Special Judge Excise, Sheohar in connection with Hiramma P. S. Case No. 49 of 2021, 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)

shakir/-

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

