

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28756 of 2022**

Arising Out of PS. Case No.-236 Year-2022 Thana- BARHARA District- Bhojpur

Sunil Sah Son Of Santosh Sah R/O- Village- Paiga P.S.- Barhara Dist.-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 11-08-2022 Heard learned counsel for the petitioner as well
as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Barhara (Sinha) P.S.Case No. 236 of
2022 for the offences punishable under Sections 30(a) of the
Bihar Prohibition & Excise Act.

As per the prosecution case, it is alleged that while
the police party was on patrolling duty, intercepted the
motorcycle on which the petitioner and co-accused persons,
were coming and on search total 5 liters beer was recovered
from the bag carrying by the petitioner.

It is submitted by the learned counsel for the
petitioner that the alleged recovery has been made from a



bag which does not belong to the petitioner. It is further submitted that two persons were arrested at the spot and the recovered illicit beer does not belong to the petitioner. It is next submitted that the petitioner is in custody since 31.03.2022 having fair antecedent and moreover, investigation has already been completed and charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has been made from a bag carrying by two persons and moreover, petitioner is in custody since 31.03.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Bhojpur at Ara in connection with Barhara P.S. Case No. 236 of 2022 subject to the condition that one of the bailors will be the close relatives 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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