

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27798 of 2022

Arising Out of PS. Case No.-481 Year-2021 Thana- EKMA District- Saran

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ARUN SAH @ ARUN KUMAR SAH SON OF LATE HARI SAH @
HARISHANKAR SHAH R/O- VILL-BHUILY, P.S.- EKMA, DIST.-SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ankur Prakash Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Excise
Trial No. 164 of 2022 arising out of Ekma P.S. Case No. 481 of
2021 registered for the offences punishable under Sections 30(a)
and 41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 150 litres illicit liquor from the motorcycle in question. The
apprehended co-accused disclosed the name of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.02.2022 and bears criminal
antecedent of three cases in which two is of similar nature.



Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has committed no offence and he has falsely been implicated in this case. It is further submitted that the petitioner was not apprehended on the spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the petitioner was not apprehended on the spot, charge sheet has been submitted in the case 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, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Judge, Excise, Saran in connection with Excise Trial No. 164 of 2021 arising out of Ekma P.S. Case No. 481 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)

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