

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28794 of 2022

Arising Out of PS. Case No.-109 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

Kishori Sah son of Late Asharfi Sah @ Nandu Sah, resident of village
Raipatti, P.S. siwaipatti. Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 Let the defects, if any, be removed within four weeks
from today.

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 Siwaipatti P.S. Case No. 109 of 2019 for the offences
punishable under Sections 272, 273, 420/34 of the Indian Penal
Code and section 30, 30(a) of the Bihar Excise (Prohibition)
Amendment Act.

As per the prosecution case, it is alleged that the
police on a secret information that at the door of the petitioner
liquor is being unloaded from a truck rushed to the place of
occurrence however, noticing the police party, other co-accused
persons succeeded to flee away and one Mandeep Singh, driver



of the said truck is apprehended. It is further alleged that he disclosed the name of various persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from person and possession of the petitioner. It is submitted that petitioner has neither any concern with the vehicle nor the illicit liquor and save and except the disclosure made by the apprehended persons there is no other material suggesting the complicity of the petitioner. Similarly situated co-accused Sunil @ Meth Nawal Rai has already been granted anticipatory bail in Cr. Misc. No. 71789 of 2019 vide order dated 20.11.2019.

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 petitioner was neither arrested at the spot nor any incriminating material has been recovered from persons or possession and moreover, other co-accused has already granted anticipatory bail and petitioner is in custody since 17.03.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Exclusive Special Judge, Excise,-I, Muzaffarpur in connection with Siwaipatti P.S.Case No. 109 of 2019 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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