

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30465 of 2022

Arising Out of PS. Case No.-130 Year-2021 Thana- INDUSTRIAL AREA District- Vaishali

Mahesh Sah Son Of Ram Swarath Sah Resident Of Village - Purani Bazar,
P.S.- Mahua, P.O.- Mukundpur, District - Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritika Rani

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-08-2022 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
Industrial Area P.S. Case No. 130 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Excise
Act, 2018.

As per prosecution case, there is alleged recovery
of 290 litre illicit country made liquor from the Alto car in
question. Petitioner was not apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is not named in FIR. FIR has been registered against
the owner of the car in question and petitioner is the owner of



the car which he has sold to one Soni Devi as same has been mentioned in the Annexure 2 of the bail petitioner. Petitioner is in custody since 28.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. It further submitted that petitioner was not apprehended on spot and seizure list has not been made as per law. Petitioner has been falsely implicated in this case.

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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner was not apprehended on spot and 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 Exclusive Excise Court no.-1-cum- Additional District and Sessions Judge, Vaishali, Hajipur in connection with Industrial Area P. S. Case No. 130 of 2021, 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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