

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30722 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- PIPRAHI District- Sheohar

Vinay Kumar @ Vinay Sah, Son of Rajdev Sah, R/o Village- Minapur Balha,
P.S.- Piprahi, Dist.- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prasoon Sinha, Advocate
		Mr. Prabhat Kumar, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Prasoon Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Piprahi P.S. Case No. 265 of 2021 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that on a secret information, a raid was conducted and allegedly 169.5 litres of illicit liquor was recovered from Bhusauli situated near Sitalpatti, Middle School. It is further alleged that the villagers



and the Chaukidar disclosed the name of the person, who succeeded in fleeing away as Amod Sah and this petitioner is said to be the associate of said Amod Sah.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession and save and except the disclosure made by the villagers/ Chaukidar, there is no other material, which suggests the complicity of the petitioner in the present case. He further submits that the alleged recovery has been made from an open place, which is accessible to all and does not belong to the petitioner. It is next submitted that only on account of past criminal antecedent of the petitioner, his name has been implicated in this case and he is in custody since 13.01.2022, moreover the investigation of the crime is completed and charge-sheet has been submitted.

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

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession and save and except the



disclosure made by the villagers/Chaukidar, there is no other material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Sheohar in connection with Piprahi P.S. Case No. 265 of 2021, 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 physically 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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