

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31033 of 2022

Arising Out of PS. Case No.-841 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

UMESH SAH S/o Raghu Sah R/o village- Dadar Ward No. 10, P.S.-
Ahiyapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate.

For the Opposite Party/s : Mr. Lalan Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Hemant Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ahiyapur P. S. Case No. 841 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a),36 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police raided the house of the petitioner and co-accused Sunil



Sahni. On search, total 256.320 litres and 258.780 litres Indian made foreign liquor was recovered from the house of both the persons respectively.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from a joint family house, wherein several persons reside and the petitioner cannot be made responsible for the same. It is further submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that the petitioner having fair antecedent, is in custody since 03.04.2022 and the investigation of the crime is already completed and the charge sheet has been submitted.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that petitioner has neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, the petitioner is in custody since 03.04.2022, having fair antecedent, let the petitioner, above named, 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 Special Excise Court No. 1, Muzaffarpur in connection with Ahiyapur P. S. Case No. 841 of 2020, subject to the condition that one of the bailors will be the close relative 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)

shakir/-

U		T	
---	--	---	--

