

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34954 of 2022

Arising Out of PS. Case No.-32 Year-2021 Thana- LAXMIPUR District- Jamui

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NIRANJAN SAH @ DHOLI SAH @ DOLI S/O KRISHNA SAH Resident of
Village- Tetaria, P.S.- Laxmipur, District Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Narayan

For the Opposite Party/s : Mr.Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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.

The petitioner seeks bail in connection with F.I.R.
No. 32 of 2021 registered in Laxmipur Police Station registered
for the offences punishable under Sections 30(a)/41 of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 50 litres of country made mahua liquor from the motorcycle
in question. Apprehended person disclosed the name of present
petitioner who fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.12.2021. Petitioner bears five



criminal antecedent of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. Name of petitioner transpired on the confessional statement of apprehended co-accused. The petitioner has no concern with the co-accused or with the alleged recovery.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted 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 Additional District and Sessions Judge-II-cum-Special Judge, Excise Act, Jamui in connection with F.I.R. No. 32 of 2021 registered in Laxmipur Police Station, 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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