

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37635 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- KHAIRA District- Jamui

SAKALDEV SAH @ SAKO Son of Baleshwar Sah @ Sarju Sah Resident of
Village- Sarkanda, P.S.- Charkapatthar (sono), District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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. Satya Prakash Parasar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Khaira P. S. Case No. 138 of 2021 registered for the offences punishable under Sections 272, 273 read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the police, on a confidential information, raided the house of co-



accused Suresh Baske and in course of raid two persons were apprehended and others succeeded in fleeing away. The apprehended persons disclosed the name of their associates including the petitioner. On search 236.25 litres illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from the house of co-accused Suresh Baske and the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and moreover, the person from whose possession the entire recovery has been made has already been granted bail by learned co-ordinate Bench of this court in Cr. Misc. No. 45402 of 2021 vide order dated 10.12.2021, apart from the fact that the petitioner having fair antecedent, is in custody since 09.06.2022.

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

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from the house of Suresh Baske, who has already been granted bail by learned coordinate Bench of this court and moreover, this petitioner is in custody



since 09.06.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Court (Excise)-1, Jamui in connection with Khaira P. S. Case No. 138 of 2021, 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	
---	--	---	--

