

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47579 of 2021

Arising Out of PS. Case No.-170 Year-2021 Thana- AKBARPUR District- Nawada

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BHOLI @ SACHIN Son of Balchand Yadav @ Balchand Prasad Resident of
Village - Fatehpur, P.s.- Akbarpur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 07.04.2021 seeks
regular bail in connection with Akbarpur P.S. Case No. 170 of
2021 registered for offence punishable under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that a raid was conducted
and 10 litres of *mahua* liquor was recovered from the house of
one Sumanti Devi and about 71 litres of mahua wine and a
motorcycle bearing Registration No. BR2774635 were
recovered from near Banyan tree at *Fatehpur Pokharpar*.



Learned counsel appearing on behalf of the petitioner submits that the alleged motorcycle and *mahua* liquor which have been recovered from the place of occurrence near *Fatehpur Pokharpar* is of some other person. Petitioner has been roped in the present case due to his involvement in Akbarpur P.S. Case No. 84 of 2021. He further submits that nothing has been recovered from the conscious possession of the petitioner and he is in custody since 07.04.2021 without any fault.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witness against the petitioner, the petitioner above named is directed to be enlarged to bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District & Sessions Judge-cum-Special Judge, Nawada in connection with Akbarpur P.S. Case No. 170 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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