

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39448 of 2022**

Arising Out of PS. Case No.-176 Year-2021 Thana- MARAUNA District- Supaul

LAKHAN SAH S/O DHANESWAR SAH Resident of Ward No.- 10,
Nirmali, P.S.- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Harendra Prasad

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 23-08-2022 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
Marauna P.S. Case No. 176 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of altogether 1676.52 litre illicit foreign liquor from container as
well as pickup van in question. Accusation against the petitioner
is that he brought the alleged consignment of liquor in Bihar.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.12.2021 and bears criminal



antecedent of four cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has no concern either with the alleged liquor or the vehicles in question. No incriminating article has been recovered from conscious possession or premises of the petitioner.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV cum Special Excise Judge, Court No. 1, Supaul in connection with Marauna P.S. Case No. 176 of 2021, 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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