

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45297 of 2022

Arising Out of PS. Case No.-280 Year-2019 Thana- CHANPATIA District- West Champaran

Arjun Sah Son Of Prasad Sah R/O Village- Garabhuwa Lala Tola, P.S.-
Chanpatia (SIRSIYA O.P.), District- West Bengal

... .. Petitioner/s

Versus

The State Of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Sanjeev Kumar Srivastave, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Chanpatia (Sirisiya O.P) P.S. Case No. 280 of 2019 for the offences punishable under Sections 272, 273 of the Indian Penal Code and section 30(a), 30(b) of the Bihar Prohibition & Excise Act.

The police on a secret information conducted raid in the house of different co-accused persons and on search total 15 liters chulai liquor was recovered from the house of the petitioner.



Learned counsel for the petitioner submits that the alleged recovery has been made from the joint residential house of the petitioner, where several persons resides and as such the petitioner cannot be held responsible. He next submits that so far as the motorcycle which is said to have been recovered from the house of the petitioner is concerned, the same does not belong to the petitioner. He next submits that other co-accused persons having identical allegation have already been allowed privilege of bail by the learned co-ordinate Bench of this Court. He last submits that the petitioner is in custody since 27.05.2022 and now the investigation of the crime is already complete.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has named in one another criminal case.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the joint residential house of the petitioner and other co-accused persons having identical allegation have already been allowed privilege of bail, let



the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Chanpatiya (Sirisiya O.P) P.S.Case No. 280 of 2019 subject to the condition that one of the bailors will be the close relatives 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.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

N.K/-

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

