

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45639 of 2022**

Arising Out of PS. Case No.-148 Year-2021 Thana- AGION (GARHANI) District- Bhojpur

RISHI SAH @ RISHI KUMAR SAH Son of - Angad Sah Resident of Village  
- Charpokhari, P.S.- Charpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kahkashan Alam

For the Opposite Party/s : Mr.Anant Kumar 1

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

2      09-09-2022                      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 in virtual court proceeding.

The petitioner seeks bail in connection with Agion  
(Garahani) P.S. Case No. 148 of 2021 registered for the offences  
punishable under Section 420 of the I.P.C. and Sections 30(a)  
of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery  
of 457.20 litres of Indian made foreign liquor from two different  
vehicles in question and it is alleged that petitioner and others  
fled away from the place of occurrence.

Learned counsel for the petitioner submits that  
petitioner is in custody since 23.05.2022 and bears criminal



history of two cases of similar nature. The petitioner has neither concerned with the said vehicles in question nor concerned with the seized liuqor. Seizure list has not been prepared as per law. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on the spot. Co-accused, Manjit Kumar has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.35835/2022 and the case of present petitioner stands on similar footing.

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, petitioner was not apprehended on the spot 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 Exclusive Special Excise Court No. 1<sup>st</sup> Bhojpur at Ara in connection with Agion (Garahani) P.S. Case No. 148 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)**

Amitkumar/-  
vasudha

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