

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45659 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- CHIRAIYA District- East Champaran

SHIVNARAYAN SAH Son of Ramdayal Sah Resident of Village - Gawandri
Ward No.- 14, P.S.- Kundwachainpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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
Chiraiya P.S. Case No. 244 of 2022 registered for the offences
punishable under Section 414 of the I.P.C. and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 3241.93 litres of foreign liquor from truck and Pick-up Van in
question. The petitioner and others apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.05.2022 and bears two criminal
cases of similar in which he is on bail. Petitioner has neither



concerned with the seized vehicles in question nor concerned with the seized liquor. He further submits that basically nothing has been recovered from his possession and he has been falsely implicated in this case.

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 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 Exclusive Special Excise Court No-1, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 244 of 2022, 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

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

