

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45904 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- BARHARA KOTHI District- Purnia

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ASHOK SAH @ ASHOK KUMAR SAH Son of Dinesh Sah Resident of
Village - Basudeopur, P.S. - Barhara, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Samir Kumar

For the Opposite Party/s : Mr.Renu Kumari

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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 through virtual mode.

The petitioner seeks bail in connection with
Barahara Case No. 208 of 2022 registered for the offences
punishable under Sections 272 and 273 of the I.P.C. and
Sections 30(a), 34, 36 of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery
of 18.750 litres foreign liquor from the house of co-accused
Deepak Rajak.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.05.2022. Petitioner bears two



criminal antecedent which is not of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. During the course of investigation the name of present petitioner has been surfaced on the disclosure of co-accused Deepak Rajak. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no connection with the alleged recovered liquor. Petitioner is not apprehended on spot. Except confessional statement of co-accused there is nothing on record to connect the petitioner with the alleged occurrence.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted 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 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 Judge (Excise Act), Purnea in connection with Barahara



P.S. Case No. 208 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)

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