

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46560 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- BENIPATTI District- Madhubani

LALIT SAH SON OF BALAM SAH @ RAM BALABH SAH R/O
VILLAGE- SAMHAULI, PS.- PUPARI, DIST.-SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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 Benipatti P.S. Case No. 55 of 2021 G.R. No. 490 of 2021 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of approximately 696 litre foreign liquor from the pickup van in question.

Learned counsel for the petitioner submits that petitioner has been implicated in this case because he is owner



of Tata Magic bearing Registration No. BR06GC 6265. Petitioner is in custody since 06.04.2022 and bears no criminal antecedent. He further submits that neither petitioner was found on the spot nor he has been seen fleeing away by anybody. Petitioner has no knowledge about the consignment loaded in the vehicle. Basically nothing has been recovered from the conscious possession of the petitioner. There is no compliance of 100 Cr.P.C. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge Excise Act, Madhubani in connection with Benipatti P.S. Case No. 55 of



2021 G.R. No. 490 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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