

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48342 of 2022

Arising Out of PS. Case No.-188 Year-2022 Thana- CHANPATIA District- West Champaran

CHANER SAH @ CHANDAR SAH Son of Late Raghunath Sah Resident of
Village - Garabhuwa, Lala Tola, P.s.- Sirisiya OP, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 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.

The petitioner seeks bail in connection with
Chanpatiya Sirisiya O.P. P.S. Case No. 188 of 2022 registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 4 litres country made liquor alongwith utensils from the hut
of present petitioner. Local Chaukidar disclosed the name of
petitioner and others who fled away from the place of
occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 15.05.2022. Petitioner bears five criminal antecedents of similar nature. Learned counsel further submits that nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner has falsely implicated in the present case. Learned counsel further submits that as a matter of fact entire recovery has been planted against him at the instance of local chaukidar, who has inimical terms with the petitioner. Seizure list has not been made as per law. Petitioner is not apprehended on spot.

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 apprehended on spot, argument advanced on behalf of the parties 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 Judge, Excise, Bettiah, West Champaran in connection with Chanpatiya Sirisiya O.P. P.S. Case No. 188 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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