

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53067 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- KHAGARIA District- Khagaria

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ROHIT SAH @ ROHIT KUMAR SON OF LATE SATYANARAYAN SAH
RESIDENT OF VILLAGE- BHADASH UTTARI, WARD NO.-8, P.S.-
MUFFASIL, DISTRICT- KHAGARIA, BIHAR (851204)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ganga Prasad Bimal

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 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

Khagaria (Muffasil) P.S. Case No. 330 of 2021 registered for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Excise Act, 2018.

As per prosecution case, on secret information

police reached near the house of Rohit Sah (petitioner). After

seeing the police personnel petitioner fled away from the spot.

On search, there is alleged recovery of 395 litre foreign liquor

from Bolero Pickup vehicle in question which is parked near the



house of the petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 19.07.2022. Petitioner bears criminal antecedent of two cases which is of similar nature. He further submits that petitioner is innocent and has falsely been implicated in this case. Seizure list has not been made as per the 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, period of custody, argument advanced on behalf of both sides and petitioner is 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 Special Judge Excise, Ist cum Additional District Judge at Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 330 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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