

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63529 of 2021**

Arising Out of PS. Case No.-179 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

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SRIRAM SAH @ SHRIRAM SAH Son of Prabhu Sah @ Prabhu Turha
Resident of Village- Bishunpur Bandh, P.S.- Yadopur, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan, Advocate
For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-04-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Vishambharpur P.S. Case No. 179 of 2020, for the offence
punishable under Section 30(a)/37b of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The allegation is recovery of 108 litres of country
made liquor from the possession of petitioner, which was being
carried by the petitioner on stolen motorcycle bearing
registration No. UP-57AP-5279.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case. He further submits that the nothing has been recovered from the possession of the petitioner neither the stolen motorcycle belongs to him. The petitioner has clean antecedent and he is in custody since 25.11.2020.

Smt. Asha Devi, learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner and submits that it would not be in the interest of the society to release the petitioner on bail as after consuming country made liquor hooch tragedy is rampant in the State of Bihar.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioner and the fact that the alleged motorcycle from which 108 litres of country made liquor recovered does not belong to the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Gopalganj in connection with Vishambharpur P.S. Case No. 179 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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