

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2335 of 2023

Arising Out of PS. Case No.-86 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Sahdeo Kumar Son of Parmanand Mahto R/V- Khandapur, P.S-
Cheriabariayrpur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate.
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Abhay Shankar Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Cheriabariayrpur P.S. Case No. 86 of 2021, registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is alleged that while the police was on patrolling duty, two persons coming on motorcycles, noticing the police party flew away after leaving their respective motorcycle. In course of search total 60 liters of country made mahua liquor was recovered. During the course of investigation the name of the petitioner transpired on account of he being owner of the motorcycle.



Learned counsel appearing on behalf of the petitioner submits that the petitioner has no concerned with the alleged illicit mahua liquor and so far as the motorcycle is concerned, it was taken by a known person for a ride, however, the petitioner was not even aware, as to the person, who has taken the motorcycle, was carrying any incriminating material. He further submits that the petitioner having fair antecedent, is in custody since 18.11.2022 and now the investigation of the crime is complete and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither identified as the person, who was driving the motorcycle nor any incriminating material has been recovered from his possession, coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-I, Begusarai in connection with Cheriabariayrpur P.S. Case No. 86 of 2021, subject to the condition that one of the bailors will be the close relatives of the



petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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