

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22631 of 2023

Arising Out of PS. Case No.-07 Year-2023 Thana- MUFFASIL District- Aurangabad

=====

HARIHAR SAW S/o Naresh Saw Resident of Village-Nagahara, P.O.-Pawai,
P.S.-Aurangabad, District-Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Kedar Yadav

For the Opposite Party/s : Mr.Rita Verma

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2023 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
Muffasil (Aurangabad) P. S. Case No. 07 of 2023 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 23.400 litres of country-made liquor from heap of straw
situated behind the house of the petitioner. Petitioner along with
co-accused namely Rajesh Kumar was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 06.01.2023 and bears two criminal
antecedent of similar nature in which the petitioner is on bail.
He further submits that nothing has been recovered from the



conscious possession of the petitioner rather the alleged recovery has been made from outside the house of the petitioner.

The learned A.P.P. for the State 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 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-1st District Aurangabad in connection with Muffasil (Aurangabad) P. S. Case No. 07 of 2023, 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)

shakir/-

U		T	
---	--	---	--

