

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17937 of 2023

Arising Out of PS. Case No.-758 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

JALIM SAH Son of Jiut Sah Resident of Village - Gheghata, P.S.- Chapra
Muffasil, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Tiwari, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.01.2023 in connection with Chapra Muffasil P.S. Case No.
758 of 2022, F.I.R. dated 18.10.2022 for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2016.

Recovery is of total 200 liters of country made liquor.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of suspicion. He further submits that it
appears from the F.I.R. as well as seizure list that nothing has
been recovered from the conscious possession or the house of
the petitioner rather the recovery has been made from the bag



which was hidden in the hurbs. He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor and petitioner was not arrested at the spot. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 18.01.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 2nd-cum-1st Special Judge Excise, Chapra, Saran in connection with Chapra Muffasil P.S. Case No. 758 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present



as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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