

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29442 of 2023

Arising Out of PS. Case No.-58 Year-2023 Thana- MAIRWAN District- Siwan

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BARE SAH @ BADE SAH Son of Late Jung Bahadur Sah Resident of
Village - Mohadipur, P.S.- Siwan Muffasil, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Mairwa P.S. Case No. 58 of 2023 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition
and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 102.625 liters foreign liquor from tempo in question and
petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 28.02.2023. Petitioner bears
no criminal antecedent. Learned counsel further submits
that nothing has been recovered from the conscious



possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case.

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 as well as period of custody, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 Court No. 01, Siwan in connection with Mairwa P.S. Case No. 58 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)

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