

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30393 of 2023**

Arising Out of PS. Case No.-243 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Aurangabad

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Sahbir Saw @ Bhikhar Saw @ Shahveer Saw Son Of Late Kailash Saw  
Resident Of Village-Tendua Dan, Ps-Mufasil, Dist-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pramendra Kumar Singh  
For the Opposite Party/s : Mr.Shyameshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      19-05-2023                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner seeks bail in connection with Excise  
P.S. Case No. 243 of 2023, registered for the offences  
punishable under Section 30(a) of the Bihar Prohibition and  
Excise (Amendment) Act, 2018.

As per allegation, from a Tempo, total 85.5 litres  
of illicit liquor were recovered and the petitioner was  
arrested from the spot.

Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this  
case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that the alleged vehicle does not belong to the petitioner. The petitioner was only passing by from the scene, but maliciously, he has been roped in the present case.

He further submits that the petitioner has been languishing in jail since 27.03.2023.

It has also been stated in paragraph no. 3 of the bail petition that apart from the present case, the petitioner is also made accused in 4 other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise-2, Aurangabad, in connection with Excise P.S.

Case No. 243 of 2023, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

Amrendra/-

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