

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35771 of 2023**

Arising Out of PS. Case No.-147 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

ANIL SADA son of Bhaso Sada Resident of Village- Bariarpur Mushari, PS-  
Piri Bazar, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Narsingh Tanti

For the Opposite Party/s : Mr.Sunil Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      14-06-2023      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Piri  
Bazar P.S. Case No. 147 of 2022 registered for the offences  
punishable under Section 30(a) and 37(i) of the Bihar  
Prohibition and Excise (Amendment) Act ,2018.

As per prosecution case, 15 litre country made  
liquor recovered from the house which was situated in southern  
side of the house of the petitioner and petitioner apprehended on  
spot in drunken condition.

Learned counsel for the petitioner submits that  
petitioner is in custody since 19.10.2022 and bears criminal  
antecedent of two cases which are similar to the present case  
and in which he is on bail. Charge sheet has been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from the conscious possession of the petitioner. No recovery was made from his house. He further submits that there is no independent witness of seizure list and hence there is violation of Section 100 of Cr.P.C. He further submits that petitioner is quiet innocent and has falsely been implicated in the 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, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 A.D.J.-IVth cum-special Excise Court 1<sup>st</sup> Lakhisarai in connection with Piri Bazar P.S. Case No. 147 of 2022, 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)**

vashudha/-

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