

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36457 of 2023

Arising Out of PS. Case No.-1176 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

Vikash Kumar Sah Son Of Sitaram Sah Resident Of Village- Kaswa Pataura,
Ps- Muffasil Motihari, Distt- East Champaran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Excise
P.S. Case No. 1176 of 2023 registered for the offence under
Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act,
2016.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 02.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 103.68 litres of IMFL/country made liquor
from the alleged car.

6. Learned counsel appearing on behalf of the



petitioner submitted that the alleged recovery of illicit liquor appears to be made from jointly occupied car and moreover, petitioner was not apprehended on the spot, where his name appears in this case on the basis of disclosure made by apprehended co-accused being a customer of recovered illicit liquor. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases of similar nature, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as petitioner was not apprehended on the spot, where recovery of illicit liquor appears to be made from jointly occupied car, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 02.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Excise P.S. Case No. 1176 of 2023 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 Excise Court No. 2, Motihari, East Champaran/concerned



Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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