

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58763 of 2023

Arising Out of PS. Case No.-256 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Kishori Sah Son Of Late Gauri Sah @ Gaurishankar Sah Resident Of Village-
Khadwa Mushar Toli, Ps- Banjariya, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.05.2023 in connection with Turkauliya (Banjariya) P.S. Case
No. 256 of 2023, F.I.R. dated 25.02.2023 for the offences
punishable under Sections 272 and 273 of the Indian Penal Code
and Sections 30(a), 32, 34, 36 and 41(i) of the Bihar Prohibition
and Excise Act.

3. Recovery is of 355 liters of country made liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of disclosure made by the local
chowkidar as well as his previous criminal antecedents. 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 Pachrukha Bangar Sareh. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor. He further submits that except the disclosure made by the local chowkidar, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.05.2023.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries 12 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in 6 cases out of 12 cases.

6. Considering the aforesaid facts and circumstances, 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 Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 256 of 2023, subject to the following conditions:-



i. 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.

ii. 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.

iii. 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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