

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57822 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- TURKAULIYA District- East Champaran

Kishori Sah Son of Late Gauri Sah @ Gaurshankar Sah R/o vill - Khadwa
Mushar toli, P.S. - Banjariya, 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 : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 24.05.2023, in connection with Turkauliya (Banjariya) P.S. Case No. 78 of 2022, F.I.R. dated 25.01.2022 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Sections 30(c), 32 of the Bihar Prohibition and Excise Act.

3. According to the prosecution case, is that on 25.01.2022 around 10:50 hours, based on a secret information a raid was conducted and 1500 litres of raw wine was found from the bank of river and same was destroyed at the spot and accused petitioner managed to escape from the place of occurrence.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and he has been falsely implicated in the present case due to his previous criminal antecedent of the similar nature and it appears from the F.I.R. that the petitioner was not arrested from the spot and on the basis of disclosure made by the local villagers the petitioner has been implicated in the present false and fabricated case. He further submits that nothing has been recovered from the conscious possession of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries twelve more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in six cases out of twelve cases.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner, 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 Excise Court No. 1, East Champaran, Motihari, in connection with Turkauliya (Banjariya) P.S. Case No. 78 of 2022, subject to the following conditions :-



(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

