

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68942 of 2022

Arising Out of PS. Case No.-316 Year-2022 Thana- DARIYAPUR District- Saran

RAMESH SAH, Son of Ram Shankar Sah, R/V- Saidpur P.S- Dariyapur, Dist- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Dariyapur P.S. Case No. 316 of 2022 registered for the offence punishable under Sections 30(a), 30(b) and 33 of the Bihar Prohibition and Excise Act.

There is alleged recovery of 112.30 litres Indian made foreign liquor from an open place, whereafter, there is alleged recovery of 400 kilograms of *Naushadar* from the petitioner's *Varamdah*.

Learned counsel for the petitioner submits that someone else had kept the *Naushadar* in the *Varamdah*. Even as per prosecution case, there is no recovery of liquor from the petitioner's premises. On account of his antecedents in two cases, as per disclosure made in para 3 of the bail petition, he has falsely been implicated in this case. He is in custody since 27.09.2022. Moreover, investigation is also complete. Recovery is denied and disputed and



is stated to be not in accordance with law.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 learned Additional District and Sessions Judge 2nd-cum-1st Exclusive Special Judge Excise, Saran at Chapra, in connection with Dariyapur P. S. Case No. 316 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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