

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77067 of 2023

Arising Out of PS. Case No.-575 Year-2023 Thana- Excise P.S. District- West Champaran

SHESHNATH URAO SON OF LATE GULJAR URAO R/O VILLAGE-
SIRSIYA, WARD NO. 11, P.S- NAURANGIYA, DISTT.- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Bagaha Excise P.S. Case No. 575/2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, 5 litres country made
liquor was recovered from the box and informant arrested one
lady who disclosed her name as Indu Devi(co-accused).
Thereafter, informant along with other police officials searched
a hut and courtyard situated at the back portion of the house of
the petitioner where a lady was preparing liquor. The informant
recovered 20 litre country made liquor kept in a plastic bucket.



The lady disclosed her name as Rajni Devi(co-accused) and she also disclosed that she and her husband Sheshnath Urao (petitioner) were engaged in preparation of illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that petitioner is not apprehended on spot and he is no way connected with the alleged recovery. The alleged recovery was made from a hut and petitioner has no connection with the same. It is further submitted that no incriminating article has been recovered from conscious possession of the petitioner. Petitioner bears criminal antecedent of two cases in which he is on bail. Petitioner is in custody since 14.06.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner not apprehended on spot, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bagaha, West Champaran in connection with Bagaha Excise P.S. Case No. 575/2023, subject to the 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)

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