

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78301 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- PHULWARIYA District- Gopalganj

Janu Kumar Sah @ Janu Kumar Son of Premachandra Shah Resident of Village- Koyla Dewa, Ps- Phulwariya, Dist.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Vardhan

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Phulwariya P.S. Case No. 165/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of total 17 liters Banti Babli country made wine from gunny bag. Apprehended co-accused Premchandra Sah disclosed the name of the petitioner and other who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to dirty village politics. The petitioner is not



apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 28.07.2023 and bears criminal antecedent of five cases. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner has nothing to do with the alleged occurrence and he has no concern with the seized liquor.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, the petitioner is not apprehended on the 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise-I, Gopalganj in connection with Phulwariya P.S. Case No. 165/2023, subject to 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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