

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38952 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- TURKAULIYA District- East
Champaran

Hathu Sah @ Chhathu Sah Son of Late Prit Sah Resident of Village -
Jaisinghpur Durga Chowk, P.S.- Turkauliya, District - East Champaran at
Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar, Advocate
For the Opposite Party/s : Mr.Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Turkauliya P.S. Case No. 169 of 2024 lodged on 16/03/2024
under Sections 272, 273 of the Indian Penal Code and Sections
30(a), 41(1) of the Bihar Prohibition & Excise (Amendment)
Act, 2022.

3. As per the prosecution case, the FIR has been
lodged against the sole petitioner. The total recovery of 35 *litres*
of country made liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that the alleged recovery has not been made from the



possession of the petitioner rather it has been made from a motorcycle which does not belong to him. The petitioner is in custody since 16/03/24 and one criminal case is pending against him in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, but only after framing of charge, if not framed as well as on being satisfied by the Trial Court that the petitioner is not absconding in Turkauliya P.S. Case. No. 376 of 2022, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Civil Court, East Champaran at Motihari subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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