

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70511 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- LAKHAURA District- East Champaran

Jai Prakash Sah Son of Late Madan Sah Resident of Village - Lakhaura
Bichala Tola, P.S.- Lakhaura, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2024 Heard Mr. Sunil Kumar No. III, learned counsel for

the petitioner and Mr. Md. Iftekhar Mahmood, learned APP for

the State.

2. Petitioner seeks bail, who is in custody since
08.07.2024, in connection with Lakhaura (Muffasil) P.S. Case
No. 11 of 2024, F.I.R. dated 24.03.2024 registered for the
offences punishable under Sections 30(a), 32, 41(1) of the Bihar
Prohibition and Excise Act.

3. The case relates to recovery of 100 litres of country
made liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits from perusal of the F.I.R. it
appears that nothing has been recovered from the conscious



possession of the petitioner rather recovery of 100 litres of country made liquor has been made from the house/hutment of the petitioner. He further submits that the recovery has not been made in accordance with Rule prescribed under the Cr. P.C. and apart from that the motorcycle in question does not belong to the petitioner. The petitioner is in custody since 08.07.2024.

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 three more cases other than the present one of the similar nature.

6. Considering the facts and circumstances of the case, 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 Lakhaura (Muffasil) P.S. Case No. 11 of 2024, 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)

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