

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84129 of 2023

Arising Out of PS. Case No.-165 Year-2021 Thana- LAURIA District- West Champaran

SURESH SAH @ THUG SAH Son of Late Raghuni Sah R/o vill - Deurwa,
P.S. - Lauriya, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-01-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Lauriya P.S. Case No. 165 of 2021 instituted under sections 302,328,307/34 of the Indian Penal Code and section 30(a), 33, 37(b) of Bihar Prohibition and Excise Act, 2016 lodged on 17.07.2021 by the informant Rashid Shah.

3. Earlier the bail application of the petitioner was rejected vide Cr. Misc. No. 8936 of 2022.

4. Again, a fresh application was filed in which a report was called for on 05.01.2024 which has since been received vide letter no. 14 dated 10.01.2024. According to which, charge has been framed against six accused persons, summons and bailable warrant issued, the case is fixed for prosecution evidence.



5. As per the allegation in the FIR, this petitioner along with Suresh Sah, Rambriksh Choudhary, Ajay Choudhary, Amresh Ram and Bhadar Sah with Suresh Badhai used to sell country made liquor.

6. Taking into account the delay in conclusion of the trial, coupled with the fact that the petitioner is in custody since 17.09.2021 (as stated in paragraph 18 of the petition) and as per the undertaking given by the learned counsel for the petitioner, he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Addl. District and Sessions Judge-XI, West Champaran Bettiah, in connection with Lauriya P.S. Case No. 165 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark his attendance;

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

(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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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