

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85403 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- BHAWANIPUR District- Purnia

Yogendra Sah @ Jago Sah Son of Late Parmeshwar Sah Resident of Bhelwa,
P.s.- Bhawanipur, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bhawanipur P.S. Case No. 183 of 2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, 231.840 litre illicit liquor
was recovered from the house of petitioner and co-accused
Sunita Devi (wife of petitioner) was apprehended on spot. It is
further alleged that co-accused Sunita Devi disclosed the name
of petitioner who was not apprehended on spot.

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 name of the petitioner has transpired in this case on account of disclosure of co-accused Sunita Devi. Except disclosure of co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 13.10.2023. Petitioner bears no criminal antecedent.

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, keeping in view clean antecedent of the petitioner, petitioner was 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 Exclusive Special Excise Judge, 02, Purnea in connection with Bhawanipur P.S. Case No. 183 of 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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