

**IN THE COURT OF SHRI PARMOD KUMAR
SPECIAL JUDGE, EXCISE, BAGAHA, WEST CHAMPARAN.**

Bagaha (Excise) P.S. Case No. 31/2022

B.P.No. 1797/2022

Baleshwar Sahani v/s The state of Bihar

Present:-

Ld. P.P. Shri Anwar Hussain for the state

Ld. Counsel Shri Shailesh Kumar Tiwari for the petitioner.

18-11-2022

ORDER

1. The Present bail petition is filed on behalf of custodial accused **Baleshwar Sahani**. The said case has been instituted **u/s 30(a) of Bihar prohibition and Excise Act 2016**. The Petitioner accused has been in judicial custody since 03-10-2022.

2. The prosecution story in brief is that a total 10.5L country made chulai liquor has allegedly been recovered from the Petitioner. Petitioner has been arrested on the spot.

3. Ld. Counsel for the Petitioner stated that the Petitioner accused is quite innocent and he has not committed any offence as alleged in the F.I.R. No other bail petition on behalf of Petitioner has been filed. The Petitioner has no criminal antecedent. Petitioner has been in jail custody since 03-10-2022. The Petitioner is ready to furnish bail bond to the satisfaction of the Ld. Court. It is therefore prayed to enlarge the Petitioner on bail.

4. Ld. Special P.P. opposed the prayer of bail stating that a total 10.5L country made chulai liquor has allegedly been recovered from the Petitioner. Hence petitioner does not deserve bail.

5. Perused the fardbeyan, seizure list & case diary. **From perusal of the same it transpires that a total 10.5L country made chulai liquor has allegedly been recovered from the Petitioner. The Petitioner has been in judicial custody since 03-10-2022. As per defence bail petition, Petitioner has no criminal antecedent.**

Considering the quantity of alleged recovery, period of custody & the fact that Petitioner has no criminal antecedent, this court is of opinion the Petitioner accused be released on bail on furnishing bail bond of Rs. 10,000/ with two surities of like amount each, out of which one will be a relative, subject to condition that the Petitioner

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is directed to cooperate in the investigation & be available as and when required by I.O. If the Petitioner is found involved in similar activity, bail bond of Petitioner is liable to be cancelled. Petitioner is also directed to file an undertaking to have no criminal antecedent.

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Special Judge, Excise