

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29726 of 2019

Arising Out of PS. Case No.-17 Year-2019 Thana- BAIKUNTHPUR District- Gopalganj

Birendra Ram, Son of Late Munni Ram, Resident of Village-Dharmbari,
Police Station-Baikunthpur, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate

For the Opposite Party : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-05-2019 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks bail in connection with
Baikunthpur P.S. Case No.17 of 2019 registered under Sections
272, 273 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

It is submitted by the learned counsel for the
petitioner that the alleged recovery of illicit liquor is neither
from the personal possession nor from the house of the
petitioner. The recovery is from outside the house from an open
space and for that the complicity of the petitioner in the offence
alleged can not be presumed. He has been made scapegoat in the
case on the basis of hypothetical presumption and wild
suspicion. The petitioner is in custody since 23.03.2019.

Learned counsel for the State has opposed the



prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise Act), Gopalganj in connection with Baikunthpur P.S. Case No.17 of 2019 subject to the following conditions:-

- (a) that the petitioner shall attend court in accordance with the conditions of the bond executed;
- (b) that the petitioner shall not commit an offence similar to the offence of the present case; and
- (c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J.)

Sanjeet/-

U		T	
---	--	---	--

