

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68279 of 2018

Arising Out of PS. Case No.-59 Year-2013 Thana- KORMA District-
Sheikhpura

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Rash Bihari Ram @ Rasavihari Ram, Son of Late Rakhan Ram, Resident of
Village- Murarpur, Police Station- Korma, District- Sheikhpura.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate.
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 47(a) of the Bihar Excise Act registered in
connection with Excise Case No. 359 of 2017 arising out of
Korma P.S. Case No. 59 of 2013.

3. It is submitted that the petitioner has been falsely
implicated in connection with recovery of 20 litres of country
made wine along with three plastic bottles filled with five litres
wine near the hut of the petitioner. Admittedly, the recovery was
made from the open field and not from the conscious possession
or house of the petitioner. The petitioner has been falsely
implicated merely on the confessional statement of co-accused
Suresh Dadhi and except which there is no other material to
connect the petitioner with the alleged occurrence.

4. Be that as it may, having regard to the entirety of
the facts and circumstances of the case, in the event of the
petitioner's arrest or surrender before the court below within six



weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Sheikhpura in connection with Excise Case No. 359 of 2017 arising out of Korma P.S. Case No. 59 of 2013, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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