

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70801 of 2019

Arising Out of PS. Case No.-553 Year-2019 Thana- FATUA District- Patna

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Ramesh Kumar (M), aged about 36 years, S/o Bulkan Yadav Resident of
Village- Kalyanpur, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagmani Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 & 440 of

Criminal Procedure Code has been moved for grant of bail in

F.I.R. No.553 of 2019 dated 17.08.2019 registered at Police

Station-Fatuha District-Patna under Section 30(A) of the Bihar

Prohibition and Excise Amendment Act, 2016.

I have heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Allegedly 40 liters *mahua* wine was recovered.

Learned counsel for the petitioner submits that he has
been falsely implicated in this case. The recovery has not been
made from the conscious physical possession of the petitioner.

It is submitted by learned counsel for the petitioner
that the petitioner has roots in the society; and is not likely to
interfere in the investigation or influence any of the witnesses or



destroy the evidence, as also that he is behind bars since 17.08.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No.7339 of 2019 arising out of Fatuha P.S.Case No.553 of 2019 on the following conditions:-

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

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

(iii) That 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 bonds shall be liable to be cancelled by the learned court concerned.

(iv) 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.

Any observation made herein shall not be construed to
be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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