

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81685 of 2019

Arising Out of PS. Case No.-359 Year-2019 Thana- DESARI District- Vaishali

Rabindra Ram @ Sukhari Ram @ Ravindra Ram, aged about 48 yrs, Male,
S/o Late Asharfi Ram R/o village- Murauatpur, P.S.- Desari, District- Vaishali
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Adv.

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 11-12-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Desari P.S. Case No. 359 of 2019 registered for the offence under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, five liters of country-made liquor was recovered from the possession of petitioner.

It is submitted on behalf of petitioner that petitioner is innocent and he has falsely been implicated in this case and nothing has been recovered from his conscious possession. It is further submitted that two similarly situated persons namely Triveni Chaudhary and Fudena Chaudhary @ Bullu Chaudhary have already been granted bail by this Court, vide order dated 27-11-2019 passed in Cr.Misc. No. 75742 of 2019 and order dated 28-11-2019 passed in Cr.Misc. No. 77385 of 2019 respectively. It is also submitted that Section 100 Cr.P.C. has not



been followed with respect to search and seizure. There is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 22-10-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Excise Court, Vaishali at Hajipur in connection with Desari P.S. Case No. 359 of 2019 on the following conditions:

(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) 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.

(Prabhat Kumar Singh, J.)

anay

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

