

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24280 of 2021

Arising Out of PS. Case No.-288 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

BHUNDOL RAM Son of Sudama Ram Resident of Village - Mujaan, P.S.-
Mohania, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. H.A. Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-07-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Excise Case No.971 of 2019, arising out of Mohania P.S. Case No. 288 of 2019, registered for the offence punishable under Sections 25(b) AA, 26 of the Arms Act and section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case in brief is that police arrested one accused person in connection with Mohania P.S. Case No.234 of



2019, who in his confessional statement has disclosed name of his associates including the name of petitioner and it is alleged that they have been provided arms by the petitioner. On raid in the house of petitioner, one rifle and katta, six live cartridges and 6.3 liters of foreign liquor was recovered.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case on the instance of his enemy. No occurrence as alleged has ever took place. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He was not apprehended from the spot and the house from where the alleged liquor is recovered is a joint family property of the petitioner. On the statement of co-accused, name of the petitioner was dragged in this case. There is a violation of Section 100 Cr.P.C. Charge sheet has been submitted in this case. Petitioner has one criminal antecedent as mentioned in para-3 of the present petition and was remanded in this case on 18.12.2019.

Having regard to the facts and circumstances of case and the custody of more than one and a half year, let the above



named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-5th cum Spl. Judge, Excise, Kaimur at Bhabhua, in connection with Excise Case No.971 of 2019, arising out of Mohania P.S. Case No. 288 of 2019, subject to the following conditions:-

(1) One of the bailor will be own close relative of the petitioner, who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

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

(4) The petitioner shall co-operate with the



investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

However, petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) each in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00 (Rupees Five Thousand) in the PM Cares fund

(Anjani Kumar Sharan, J)

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