

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26980 of 2021**

Arising Out of PS. Case No.-21 Year-2021 Thana- SHEKHPURA District- Sheikhpura

Mohan Ram Son Of Raju Ram R/O Murarpur, P.S.- Korma, Dist.- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar

For the Opposite Party/s : Mr. Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 24-07-2021 Heard learned counsel for the petitioner 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. 17 of 2021 arising out of Sheikhpura P.S. Case No. 21 of 2021 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (A) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather out of total 120 liters of illegal



country made liquor only 30 liters of country made liquor is said to have been recovered from the possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that it is apparent that the alleged recovery made by the police team from the open place, out of village. He further submits that the said alleged seizure of recovered articles was not prepared as per due practice and procedure stipulated in the Section 100 of Cr.P.C.. Petitioner has one similar nature of offence pending against him as has been mentioned in para-3 of the present petition and has been languishing in custody since 13.01.2021.

Petitioner is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, 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 court below where the case is pending in connection with Excise Case No. 17 of 2021 arising out of Sheikhpura P.S. Case No. 21 of 2021 subject to following conditions:

(1) One of the bailors 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.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 10,000/- (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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