

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28290 of 2021

Arising Out of PS. Case No.-276 Year-2020 Thana- RAMGARH District- Kaimur (Bhabua)

AMERNATH RAM Son of Late Shivchand Ram Resident of Village -
Gorasara, P.S.- Ramgarh, 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.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-08-2021 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.933 of 2019 arising out of Ramgarh P.S. Case No.276 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (amendment) Act 2018.

200 Ml of country made liquor is said to have been recovered from the grocery shop of the petitioner situated in his house.



Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. No incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Petitioner has been falsely implicated in this case on the instance of his enemy and business rivalry. The shop is a public place, where many people visit and somebody might have kept the same in his shop with ill motive. There is no eye witness in support of allegation to sell the liquor in the grocery shop. There is no compliance of section 100 of the Cr.P.C. Petitioner has three criminal antecedents of similar nature of offence, as mentioned in para-3 of the application and has been languishing in custody since 14.12.2020.

Petitioner is agreed to deposit a sum of Rs. 5,000.00/- (Rupees Five 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 Additional Sessions Judge 2nd cum Special Judge (Excise), Kaimur at Bhabua, in connection with Excise Case No.933 of 2019 arising out of Ramgarh P.S. Case No.276 of 2020, with the 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 petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

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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