

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3746 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- PANDAUL District- Madhubani

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GANGA RAM @ GANGA MOCHI, Son of Late Mahavir Ram Resident of
Village- Adalpur, P.S. R.S.-O.P., District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Pandaul

P. S. Case No. 234 of 2021 (G.R. No. 2396 of 2021),

registered for the offences punishable under Sections 272,

273 and 34 of the Indian Penal Code and Sections 30(A),

36, 38, 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, total 2145.6 litres of liquor has

been recovered from a truck.

The learned counsel for the petitioner submits that

the petitioner has falsely been implicated in this case.

Nothing has been recovered from the conscious possession



of the petitioner. He has further submitted that only on suspicion the petitioner has been arrested by the police. The petitioner has no concern with the alleged truck or the seized liquor.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved before this Court either for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Pandaul P. S. Case No. 234 of 2021 (G.R. No. 2396 of 2021) on the following conditions:

- (i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.



The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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