

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2144 of 2022

Arising Out of PS. Case No.-8 Year-2013 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

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Ram Vilash Ram, S/o Late Singahar Ram @ Late Shivtahal Ram, R/o village-
Ramgarh, P.S.- Ramgarh, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Tribhuwan Narayan, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Excise Case No. 789 of 2017, arising out of
Ex.08 of 2013, for the offence punishable under Section 47(a) of
the Bihar Excise Act.

As per prosecution case, it is alleged that the
informant (Sub-Inspector of Excise Department) raided the betel
shop and on search being made altogether 16.400 litres of
country made liquor was recovered from the said betel shop



(Gumti), which is said to be in the name of the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the present Excise case was instituted way back in the year 2013 and since the petitioner had no knowledge about this case, therefore, he could not appear in the case. However, he himself surrendered on 22.09.2021 and since then he is in custody. It is further submitted that the petitioner has no concern with the alleged liquor nor the betel shop where from the alleged recovery was said to be made. It is next submitted that there is no compliance of the procedure prescribed under Section 100 of the Cr.P.C., apart from the fact that the investigation of the present crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that this petitioner has been found accused in four other cases.

In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in all the four cases.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the present case was registered way back in the year 2013 when the Bihar



Prohibition and Excise Act, 2016 was not even in existence and further the alleged recovery is said to have been made from a betel shop, which the petitioner asserts, does not belong to him, inasmuch as this petitioner is in custody since 22.09.2021, though the investigation is already completed and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Kaimur at Bhabua in connection with Excise Case No. 789 of 2017, arising out of Ex. 08 of 2013, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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