

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5239 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

Laxman Ram Son of Bhuneshwar Ram R/O Village- Sagahari, P.S.-
Siwaipatti, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sri Niwas Jha, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

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

Heard Mr. Sri Niwas Jha, learned counsel for the petitioner and Mr. Shailendra Kumar, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Siwaipatti P. S. Case No. 122 of 2021 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a), 36/41 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that on a secret information, the Police raided the house of this petitioner from where 3 litres of Chulai wine, a Gas-Chulha and a



Machine were recovered, which is said to be used for manufacturing of Chulai wine.

Learned counsel appearing on behalf of the petitioner submitted that all the recovered articles are of domestic use and so far the wine manufacturing machine is concerned, that is not a wine manufacturing machine rather used for different purposes. It is further submitted that the house from where recovery is said to have been made is a joint family house and not exclusively belongs to this petitioner. It is also submitted that this petitioner is in custody since 08.10.2021, having no criminal antecedent, apart from that the investigation of the crime has already been concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the machine and other articles were found, which were used for the purposes of manufacturing of illicit wine.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from a join family house in as much as there are other materials, which are being used for domestic purposes and moreover, this petitioner is in custody since



08.10.2021, having clean antecedent, let the petitioner, above named, 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 Special Judge, Excise -cum-Additional District and Sessions Judge, II, Muzaffarpur in connection with Siwaipatti P. S. Case No. 122 of 2021, subject to the condition that one of the bailors will be the close relative 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.

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(Harish Kumar, J)

