

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11818 of 2022

Arising Out of PS. Case No.-627 Year-2021 Thana- MUFFASIL District- West Champaran

MANOJ RAM, S/o Raghunath Ram, R/o village- Chhawani, Harijan Toli, P.S.-
Banuchhapar O.P., District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 23.11.2021, seeks
regular bail in connection with Bettiah Muffasil (Banuchhapar
O.P.) P.S. Case No. 627 of 2021 registered for offences
punishable under Sections 30(a), Bihar Prohibition and Excise
Act, 2016.

As per the allegation made in the FIR, 2 litres of
Chulhai liquor and 100 litres of raw materials to manufacture
liquor were recovered from the house of the petitioner. Certain
other articles and raw materials were also recovered from co-
accused named in the FIR.



Learned counsel appearing on behalf of the petitioner submits that petitioner is not involved either in the manufacturing of the liquor or its illicit sale in the State of Bihar. He further submits that because two cases of similar nature are pending against him, on mere suspicion, the police has implicated the petitioner in the present case. Petitioner is in custody since 23.11.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the nature of allegation made in the FIR, the alleged recovery was effected from the house of the petitioner. The seizure list was not handed over to any family members nor it bears signature of any independent witnesses. Petitioner has remained in custody since 23.11.2021 on mere suspicion and the trial is not likely to be concluded in near future, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Bettiah Muffasil (Banuchhapar O.P.) P.S. Case No. 627 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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