

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13123 of 2022**

Arising Out of PS. Case No.-513 Year-2021 Thana- TEKARI District- Gaya

RAMAKANT DAS Son of Awadh Das Resident of Village - Kadirpur, P.S.-
Belaganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kumar Sinha
For the Opposite Party/s : Mr.Shyam Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 08-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Tekari
(Panchanpur O.P.) P.S. Case No. 513/2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, there is alleged recovery of
total 15 liters country made mahua liquor from the theft
motorcycle and the petitioner was apprehended from the place
of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner has no concern with the theft motorcycle and nothing has been recovered from the conscious possession of the petitioner. The further submits that in fact, the petitioner was standing near the road for waiting the bus. In the meantime, police party came and forcefully taken away the petitioner and the name of the petitioner transpired in this case. The petitioner is languishing in custody since 12.10.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd cum Special Judge, Excise Act, Gaya in connection with Tekari (Panchanpur O.P.) P.S. Case No. 513/2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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