

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13319 of 2022

Arising Out of PS. Case No.-461 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Nand Kishore Ram, Son of Pardip Ram, Resident of Village- Jhakhara Shekh,
P.S.- Karja, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prem Kumar Paswan, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-07-2022 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. Prem Kumar Paswan, 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. 461 of 2021 (P.R. No. 76 of
2021) for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that the police
on secret information conducted raid at different places and
during such raid this petitioner was arrested and from his
possession 40 litres of illicit toddy was recovered in two plastic



gallons.

It is submitted by the learned counsel appearing on behalf of the petitioner that in fact the petitioner was a passerby and no recovery has been made from his possession, rather he was being interrogated by the police and when he did not reply satisfactorily, his name has been implicated in this case. It is next submitted that the petitioner has absolutely clean antecedent and prior to this occurrence he has never been found involved in any other case. It is further submitted that this petitioner is in custody since 21.11.2021 and moreover the investigation of the crime is already concluded and the charge-sheet has been submitted and as such keeping the petitioner behind the bar would not serve any purpose.

On the other hand, learned APP for the State opposes the bail application and submits that illicit toddy has been recovered from the possession of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that 40 litres illicit toddy has been recovered and this petitioner is in custody since 21.01.2021, though the investigation has already been concluded and charge-sheet has been submitted in this case, let the petitioner, named above, be released on bail on furnishing



bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Excise Case No. 461 of 2021 (P. R.No. 76 of 2021) subject to the condition that one of the bailors will be the local residents 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.

(Harish Kumar, J)

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