

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16978 of 2022

Arising Out of PS. Case No.-317 Year-2021 Thana- MANIYARI District- Muzaffarpur

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RAMDIYA Son of Ram Mehar Singh @ Rammehar Resident of Village -
Rauha, P.s.- Khar Goda, Distt.- Sonipaath (Hariyana.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jyotsna Rani Mishra

For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 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
Maniyari P.S. Case No. 317 of 2021 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
Act.

As per prosecution case, a truck was intercepted by
the informant and other police personnel but driver and Khalasi
started fleeing away. On chase, both persons arrested. They
disclosed their name as Sandeep Kumar and Ramdiya (present
petitioner). On search total 1215.00 litres of foreign liquor has
been recovered from the truck in question.



Learned counsel for the petitioner submits that petitioner is in custody since 26.09.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is Khalashi and he did not know about alleged foreign liquor. Petitioner has no concern with the alleged recovered foreign liquor nor he is the owner of vehicle. Co-accused Sandeep Kumar has already been granted bail by co-ordinate bench vide Cr. Misc. No. 2328/2022 vide order dated 04.03.2022.

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 as well as period of custody, keeping in view clean antecedent of the petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, 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 Special Judge Excise Court No. II,



Muzaffarpur in connection with Maniyari P.S. Case No. 317 of 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 without appropriate permission 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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