

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20597 of 2022**

Arising Out of PS. Case No.-153 Year-2020 Thana- BASANTPUR District- Siwan

Musafir Ram @ Mosafir Ram Son of Late Deoki Ram R/o Village- Basaon
Tilak Sah Ke Tola, P.S.- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate.

For the Opposite Party/s : Mr.Ramesh Chandra, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

5 31-08-2022 Heard Mr. Bijay Prakash Singh, learned counsel
appearing on behalf of the petitioner and Mr. Ramesh Chandra,
learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with
Basantpur P.S. Case No. 153 of 2020 for the offence punishable
under Sections 272, 273 and 308 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is of recovery of 42.150 litres of
foreign liquor from the house / hut of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. The petitioner has specifically stated in Para-3 of the bail application that six cases including the present case are pending against him for violation of provisions of Bihar Prohibition and Excise Act and in all the cases, he is on bail. He is in custody since 08.04.2021. Learned counsel submitted that the petitioner undertakes that he will not indulge in future in any manner to commit any offence under Bihar Prohibition and Excise Act and he will not engage himself in smuggling and illicit trade of liquor.

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.

This Court directs to release the petitioner if duly sworn affidavit is filed by his wife giving undertaking that her husband will not involve in future in similar offence under Bihar Prohibition and Excise Act and in case of default she will be



responsible. Further a bond of Rs.5,00,000/- (five lacs) on behalf of her husband along with bond of **Rs.25,000/- (Rupees twenty five thousand)** with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District and Sessions Judge cum Special Judge, Excise Court No.1, Siwan in connection with Basantpur P.S. Case No. 153 of 2020 shall be furnished. The release of the petitioner shall be subject to the following conditions:-

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

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

(3) 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.

(4) 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 bonds.

(5) **The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has**



been stated in Para-3 of the bail petition, this order will
automatically loose its force.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

