

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22623 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- PARIHAR District- Sitamarhi

RAM KARAN MANDAL Son of Late Tej Narayan Mandal Resident of
Village - Gorhari, P.S.- Parihar, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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 through virtual mode.

The petitioner seeks bail in connection with Parihar
P.S. Case No. 15/2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 132 liters Nepali wine from the field in search under the
heap of straw. The petitioner was not apprehended on the spot.
Police got secret information that the petitioner stored illicit
wine in heap of straw.

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



case due to village politics. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has neither concerned with the alleged seized wine nor the said field. The petitioner is languishing in custody since 30.01.2022 and bears criminal antecedent of one case of similar nature. 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 opposed 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 also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Sitamarhi, in connection with Parihar P.S. Case No. 15/2022, 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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