

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22786 of 2022

Arising Out of PS. Case No.-220 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

VINOD RAM @ VINOD KUMAR RAM S/o Shri Chandeshwar Ram R/o
village- Mohammadpur, P.S.- Mohammadpur, District- Gopalganj- 841423
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Prachi Pallavi, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with

Mohammadpur P.S. Case No. 220 of 2021 registered for the

offence under Sections 272, 273, 328, 307, 304, 120(B) and 34

of the Indian Penal Code and Section 30(a), 37(b), 33 and 34 of

the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and

is in custody since 19.01.2022.

The allegation against the petitioner is to consume and



delivering wine for consumption and also recovery of country made illicit liquor has been made.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused and nothing incriminating material has been recovered during course of investigation, which may connect or incriminate the petitioner with the present set of occurrence. It is submitted that recovery of illicit liquor has been made from the house of co-accused and not from the conscious physical possession of the petitioner. It is also submitted that petitioner is involved in one other case, in which, he is on bail. It is also submitted that similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 2090 of 2022 dated 22.03.2022, Cr. Misc. No.3635 of 2021 dated 31.03.2022. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that nothing has been recovered from physical possession of the petitioner.



Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Mohammadpur P.S. Case No. 220 of 2021 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 District and Sessions Judge-II-cum-Special Excise Court-I, Gopalganj /concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall



be Ramesh Kumar, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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