

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22879 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- HIRAMMA P.S. District- Sheohar

1. Md. Sahgir @ Chhotu Son Of Md. Lal Babu Resident Of Rupwara, Ward No. 4, P.S. - Hiramma, District - Sheohar.
2. Anil Ram Son Of Chandeshwar Ram Resident Of Rupwara, Ward No. 4, P.S. - Hiramma, District - Sheohar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Hans lal Kumar, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection with Hiramma P.S.Case No. 11 of 2022 for the offences punishable under Sections 30(a), 30(c), 30(d) and 41(1) of the Bihar Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that the police on secret information, raided the place of occurrence, on seeing the police party, co-accused fled away. On search



being made, altogether 35 liters of Semi finished liquor, five liters of country made chulai liquor in a gallon loaded in a motorcycle was recovered from the house of Chandeshwar Ram.

It is submitted by the learned counsel for the petitioner that petitioners were neither arrested at the spot nor any incriminating material has been recovered. It is next submitted that the petitioners have no concerned either with the recovered liquor or other co-accused persons involved in the instant case. It is submitted that except the disclosure made by the local chaukidar, there is no other incriminating material which suggest the complicity of the petitioner in the present crime. Petitioners are in custody since 14.02.2022

On the other hand, learned counsel for the State opposed the bail application of the petitioners.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioners were neither arrested at spot nor any incriminating material has been recovered and further he has no concerned with the alleged house /place from where recovery has been made



and they are in custody since 14.02.2022, moreover, investigation has already been completed and charge sheet has been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Sheohar in connection with Hiramma P.S. Case No. 11 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal



antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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