

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23043 of 2022

Arising Out of PS. Case No.-107 Year-2021 Thana- DHANAHA District- West Champaran

BASUDEV RAM Son of Late Bhiti Ram @ Raj Kumar Ram Resident of
Village - Khalawapatti, P.s.- Dhanaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh

For the Opposite Party/s : Mr.Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Dhanaha P.S. Case No. 107 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, 16.800 liters of country made liquor was recovered from an abandoned cycle and the *chowkidar* identified the petitioner who fled away after leaving his cycle.

Learned counsel for the petitioner submits that the



cycle does not belong to this petitioner and he has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. Earlier he was also falsely implicated by his enemies and 200 ml country made liquor was shown to be recovered from his possession in which he was granted bail by the learned court below. Charge sheet has been submitted in this case and the petitioner is in custody since 15.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner who was not apprehended from the spot and further considering the submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 107 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

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

