

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25021 of 2022**

Arising Out of PS. Case No.-321 Year-2018 Thana- MOTIPUR District- Muzaffarpur

SHIV NATH RAM SON OF LATE RAMDHARAN RAM R/O VILLAGE-
KALYANPUR HARAUNA, P.O.- MORSANDI, P.S.- MOTIPUR,
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 02-08-2022 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.

The petitioner seeks bail in connection with
Motipur P.S. Case No. 321 of 2018 registered for the offences
punishable under Sections 272, 273 of Indian Penal Code read
with Section 30(a) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 10 litres Mitha, Mahua and other mixture kept in gallon and
equipment of making liquor from the house of the petitioner.

Learned counsel for the petitioner submits that



petitioner is in custody since 21.01.2022. Petitioner bears criminal antecedent of one case of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not apprehended on spot. Nothing has been recovered from conscious possession of the petitioner. The seized article are either agricultural produce or kept for animal husbandry purpose. Seizure list has not been made as per law.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court No. - II, Muzaffarpur in connection with Motipur P.S. Case No. 321 of 2018, 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)

amitkr/-

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

