

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25313 of 2022

Arising Out of PS. Case No.-28 Year-2018 Thana- BARGAINIA District- Sitamarhi

Naresh Ram Son of Sheonath Ram Resident of Village - Ashogi Ward No.- 3,
P.S.- Bairgania, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Virendra Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Bairgania P. S. Case No. 28 of 2018 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code, Section 30 (a) Bihar Prohibition and Excise Amendment Act and Section 25 (1-b)a, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that the



Police party, on a secret information, raided the house of the petitioner and on search being made altogether 78.675 litres of Nepali and foreign wine and six live cartridges as well as 20 pieces of *pataka* bomb were recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery was made from a joint family house and not from the exclusive possession of this petitioner. It is further submitted that the petitioner has no concern with the alleged seized wine and articles moreover, the allegation of recovery of cartridges without any pistol/gun is of no use and the prosecution story appears to be suspicious. It is next submitted that this petitioner is in custody since 03.12.2020 and only because of his two past criminal antecedents, he has been implicated in the present case.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that that the recovery of wine, cartridges and bomb was made from the house of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the period of custody and moreover, there are irregularities in preparation of seizure list, let the petitioner, above named, be released on bail on furnishing



bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Excise Court-II, Sitamarhi in connection with Bairgania P. S. Case No. 28 of 2018, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He 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, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. 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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