

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25953 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- AMNAUR District- Saran

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Sikandar Kumar Ram @ Sikendra Kumar Ram Son of Ganaur Ram @
Ganaur Ram Resident of Village - Dharahara, P.s.- Amnour, Distt.- Saran at
Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate.

For the Opposite Party/s : Mr. Pranav Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 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. Udai Shankar Singh, 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 Amnour P. S. Case No. 65 of 2022



registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that while the Police party was on patrolling duty, they received an information that some persons are selling illicit wine near a canal, conducted a raid, however, noticing the police party other co-accused persons succeeded in fleeing away and this petitioner was apprehended at the spot. It is further alleged that 95 litres of illicit liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that on the place of occurrence there were other persons, who noticing the police party succeeded in fleeing away however, this petitioner was apprehended only on suspicion, though, the petitioner has no concern with the alleged recovered wine. It is next submitted that the alleged recovery has been made from side of the canal, which is a public place and accessible to all and moreover, this petitioner, who is a man of fair antecedent is in custody since 07.03.2022 and further, after conclusion of the investigation, the charge sheet has been submitted.



On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended from the place of occurrence.

Having considered the submissions made on behalf of the parties and taking into account the fact that the recovery has been made from the side of the canal, which is a public place and accessible to all and this petitioner is in custody since 07.03.2022 and after conclusion of investigation, the charge sheet has been submitted, 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 1st Exclusive Special Judge, Excise, Saran in connection with Amnour P. S. Case No. 65 of 2022, 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.

(Harish Kumar, J)

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