

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29511 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- BENIPATTI District- Madhubani

Balikant Ram, Son of Ram Chandra Ram, Resident of Village- Loma, P.S.-
Saharghat, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ratnakar Jha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Benipatti P.S. Case No. 217 of 2021 registered for the offences punishable under Sections 272, 273, 120B of the Indian Penal Code and Sections 30 (a), 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that on a secret information that some persons are engaged in loading and unloading of illicit liquor near the brick-kiln of Basant Jha and on the aforesaid information, the police conducted a raid and apprehended several vehicles including one Alto car bearing



registration no. RO693750 and on search 60 litres of illicit Indian made foreign liquor was recovered. It is further alleged that 1551.379 litres of illicit liquor were also recovered from different vehicles.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner happens to be the owner of the Alto car, however, the said car was being driven for fare/rent. It is further submitted that the petitioner has no concern with the alleged recovered illicit wine. However, on account of suspicion he has been arrested. It is next submitted that apart from the other infirmities in the seizure list, there is no compliance of Section 100 of the Cr.P.C. It is lastly submitted that this petitioner is in custody since 16.04.2022 having fair antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted. The other co-accused persons, have already been granted bail by learned different coordinate Benches of this Court

On the other hand learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 16.04.2022 having fair antecedent and moreover



the investigation of the crime is already completed and charge-sheet has been submitted and there is no commencement of trial in the near future, let the petitioner, named above, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 217 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

(ii) He will remain physically 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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