

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30407 of 2022**

Arising Out of PS. Case No.-21 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

=====

RAJINDRA RAM SON OF CHURAMAN RAM R/O VILLAGE-
DOSTANI, P.S.- GORADIH, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Gopal Krishna
For the Opposite Party/s : Mr.Dinesh Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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 Excise

F.I.R. No. 21 of 2022 registered for the offences punishable

under Sections 30(a) and 30(C) of the Bihar Prohibition and

Excise Amendment Act.

As per prosecution case, there is alleged recovery

of 10 litres country made liquor besides other materials from the

hut of petitioner.

Learned counsel for the petitioner submits that

petitioner is in custody since 03.02.2022. Petitioner bears no



criminal antecedent. Prosecution report has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovered liquor. There is no compliance of Section 100 of the Cr.P.C.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-cum-Special Judge (Excise) Bhagalpur in connection with Excise F.I.R. Case No. 21 of 2022, 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	
---	--	---	--

