

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36176 of 2022

Arising Out of PS. Case No.-501 Year-2021 Thana- SAKRA District- Muzaffarpur

Dilip Ram, S/O Late Khakhanu Ram, Resident of Village- Basantpur,
Jhitkahi, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sakra P.S. Case No. 501 of 2021 registered for the alleged offences under Sections 147, 148, 149, 188, 342, 332, 333, 307, 353, 504 and 506 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information about co-accused Baliram Ram storing illicit liquor in his house and when a raid was conducted, the police party was assaulted and some personnel were held hostage by the co-accused and his associates. From the house and vehicles parked in the house of the co-accused, total 2.220 litres of India made



foreign liquor was recovered and the petitioner has been named as one of 29 named accused persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No offence under Bihar Prohibition and Excise Act is made out against this petitioner and nothing incriminating has been recovered from his conscious possession. Similar allegation of assault against the police parties is vague and omnibus. There is no allegation against this petitioner and the specific allegation of assault by means of iron 'dab' is against co-accused Baliram Ram. The vehicles from which recovery has been made or even the house from which the recovery has been shown do not belong to this petitioner. Furthermore, the petitioner has no complicity in the alleged occurrence. The co-accused persons, who have been arrested by the police from the spot, have been granted bail by a Co-ordinate Bench of this Court vide order dated 10.03.2022 passed in Cr. Misc. No. 9352 of 2022. The petitioner is in custody since 08.04.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.



Having regard to the submissions made hereinabove and considering the fact that the petitioner has got no criminal antecedent and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No-1, Muzaffarpur, in connection with Sakra P.S. Case No. 501 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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