

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38227 of 2022

Arising Out of PS. Case No.-41 Year-2020 Thana- BIHTA District- Patna

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RAMESH KUMAR S/O SHYAMJI SAO Resident of village- Maudahi, P.S.-
Bihta, District- Patna, at present resident of Village- Parev, P.S.- Bihta,
District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-08-2022 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
Special Excise Case No. 550 of 2020 arising out of Bihta P.S.
Case No. 41 of 2020 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery
of 843.54 litre illicit English wine on the disclosure of petitioner
which was kept under soil.

Learned counsel for the petitioner submits that



petitioner is in custody since 09.02.2022 and bears criminal antecedent of one case of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that seizure list has not been made as per law. No incriminating article has been recovered either from conscious possession of the petitioner or from his house.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna in connection with Special Excise Case No. 550 of 2020 arising out of Bihta P.S. Case No. 41 of 2020, 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)

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