

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38787 of 2022

Arising Out of PS. Case No.-553 Year-2020 Thana- SHEKHPURA District- Sheikhpara

Ghanshyam Ram Son Of Karu Ram R/O Village- Murarpur, P.S.- Korma And
District- Sheikhpara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar -II, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Sheikhpara P.S. Case No. 553 of 2020 for
the offences punishable under Sections 272 and 273 of the
Indian Penal Code and section 30(a), of the Bihar Excise
(Prohibition) Amendment Act.

The allegation against the petitioner is to be
engaged in manufacturing illicit liquor in Kolhua Musahari,
the police conducted a raid, 40 liters illicit country made
liquor and other apparatus was recovered.



Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person or possession. It is evident that the alleged recovery has been made from a hill situated in Kolhua Musahari which is a public place accessible to all. Save and except the allegation that while fleeing away, the petitioner was identified by the police, there is no other material against the petitioner. Moreover, there is no compliance of section 100(4) of the Code of Criminal Procedure as well as Section 81 and 82 of the Bihar Prohibition & Excise Act.

On the other hand, learned counsel for the State opposed the bail application and submits that the petitioner has found involved in 25 other criminal cases.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and the alleged recovery has been made from a hill situated near Kolhua Musahari, which is accessible to all, apart from



criminal antecedent of a person cannot be a sole ground to keep the person behind the bar for indefinite period, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Sheikhpura in connection with Sheikhpura P.S.Case No. 553 of 2020 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 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.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is



found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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