

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38425 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- KORMA District- Sheikhpura

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar. Adv
For the Opposite Party/s : Mr. Dashrath Mehta, APP

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 Mr. Manish Kumar, 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 Excise P.S. Case No. 332 of 2021 arising
out of Korma P.S. Case No. 60 of 2021 for the offences
punishable under Sections 272, 273 and 34 of the Indian
Penal Code and section 30(a), of the Bihar Prohibition &
Excise Amendment Act.

As per prosecution case, it is alleged that in course
of patrolling on a confidential information, raided the house



of the petitioner however, on noticing the police party, the petitioner succeeded in fleeing away and on search 65 liters illicit liquor was recovered. It is also alleged that 350 gallons and 18 chulhas has been destroyed.

Learned counsel for the petitioner submits that the alleged recovery has been made from the house which is in joint possession of all the family members and only because of the past criminal antecedent, his name has been implicated in this case, though neither petitioner was apprehended at the spot nor any incriminating material has been recovered from his conscious or constructive possession. It is further submitted that 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. It is also submitted that petitioner is named in 24 other cases besides the present one. The police implicated the name of the petitioner in each and every case which is taken place within nearby jurisdiction. It is lastly submitted that petitioner is in custody since 22.12.2021.

On the other hand, learned counsel for the State



opposed the bail application and submits that petitioner has found involved in 25 cases which shows that the petitioner is a habitual offender indulged in trade of illicit liquor.

Regard being had to the submission made on behalf of the parties and considering the fact that the alleged recovery has been made from the house which is in joint possession of all the family members and neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover, criminal antecedent of a person cannot be a sole ground to keep the person behind the bar for indefinite period. Moreover, the investigation is already complete and the charge sheet has been submitted, 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 Excise Case No. 332 of 2021 arising out of Korma P.S.Case No. 60 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 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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