

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40591 of 2022**

Arising Out of PS. Case No.-103 Year-2022 Thana- NAANPUR District- Sitamarhi

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Ramji Kumar @ Ramji Raut Son of Bipin Bhandari @ Soman Raut R/O
Village- Majhaura, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 24-08-2022 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 Nanpur
P.S. Case No. 103/2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

As per prosecution case, there is alleged recovery of
total 2332.98 liters foreign liquor from Kachchi road at NH-
527C. Local Chaukidar identified the petitioner and others who
fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to dirty village politics. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 25.04.2022 and bears no criminal antecedent. He further submits that the charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. The petitioner has no concerned with the seized liquor and the seizure list has not been prepared as per law.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and keeping in view clean antecedent of 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 Exclusive Special Judge, Excise Court-II, Sitamarhi in connection with Nanpur P.S. Case No. 103/2022, 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)

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