

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41473 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- GAIGHAT District- Muzaffarpur

RAMANAND RAI @ SUDAMA @ RAMANAND YADAV @ SUDAMA
RAI Son of Nageshwar Rai Resident of Village - Ramauli, P.S.- Gaighat,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sanjay Kumar, learned counsel for the petitioner as well as Mr. Tarkeshwar Nath Thakur, learned Additional Public Prosecutor for the State.

Today this case has been listed on the urgent motion slip filed by the learned counsel for the petitioner praying therein that the mother of the petitioner died on 09.09.2022 and her shradh is scheduled to be held on 20.09.2022.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Gaighat (Benibad O.P.) P. S. Case No.



101 of 2021 registered for the offences punishable under Sections 272, 273, 414, 34 of the Indian Penal Code and Sections 30 (a), 36, 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation against the petitioner is to be engaged in storing and selling of illicit wine. On search, two motorcycles and 222.375 litres Indian made foreign liquor was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that from the perusal of the seizure list, it would be evident that the alleged recovery has been made from the house of two brothers including the petitioner, which fact suggests that the recovery has been made from a joint family possession, however, seizure list does not reflect the signature of any family members. It is next submitted that the petitioner was neither arrested at the spot nor he has any concern with the alleged recovered illicit wine. It is further submitted the petitioner is physically disabled person and moreover, one of the motorcycles belongs to the petitioner and he is in custody since 19.06.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is



found involved in one another case.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the recovery has been made from a joint residential premises and the petitioner was neither arrested at the spot nor has any concern with the illicit wine, apart from the fact that the investigation of the crime is already completed and charge sheet has been submitted and as such, keeping the petitioner behind the bar would serve no further purpose, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Gaighat (Benibad O.P.) P. S. Case No. 101 of 2021, subject to the condition that one of the bailors will be the close relative 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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