

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41725 of 2022

Arising Out of PS. Case No.-334 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Hare Ram Kumar @ Hare Ram Chaudhary, Son of Motilal Pasi @ Motilal Chaudhary, Resident of Village- Fazilpur, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Arbind Kumar Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Excise Case No. C III- 334 of 2021 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The police on a secret information, raided the house of the petitioner and on search total 30.6 litres of Banti Babli, 8.64 litres of Big Hit foreign liquor and 22.32 litres of 8 PM Tetra pack liquor were seized from the house of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from a joint residential house, wherein several family/persons reside and as such the petitioner cannot be made responsible for the same. He further submits that the petitioner is a man of fair antecedent and is in custody since 15.06.2022 and moreover investigation of the crime is already completed and charge-sheet has been submitted. He next submits that there are other infirmities in the preparation of seizure list, apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint residential house and moreover the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, 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 Additional Sessions Judge-II, cum-Special Judge, Excise, Siwan in connection with Excise Case No. C III- 334 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 physically 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.

(Harish Kumar, J)

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