

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43303 of 2022

Arising Out of PS. Case No.-151 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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RAM SUJEET KUMAR Son of Ramashray Mahto Resident of Village -
Madhu Tola, Ward No.- 9, P.S.- Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-08-2022 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

Samastipur Excise P.S. Case No. 151 of 2022 registered for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery

of 466.56 litres country made foreign liquor from the husk

house of the petitioner. The petitioner was apprehended on spot.

It is further submitted the 106.56 litres country made foreign

liquor was recovered from motorcycle in question.



Learned counsel for the petitioner submits that petitioner is in custody since 29.05.2022 and bears no criminal antecedent. Learned counsel further submits that petitioner has no knowledge regarding the fact that the liquor has been kept in the hay house. It is further submitted that recovery made from motorcycle does not belong to the petitioner. It is further submitted that seizure list has not been made as per law.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 No. 2, Samastipur in connection with Samastipur Excise P.S. Case No. 151 of 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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