

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43020 of 2022

Arising Out of PS. Case No.-754 Year-2021 Thana- LAKHISARAI District- Lakhisarai

ASHOK RAM Son of Ramdeo Ram Resident of village - Nemdarganj, P.S.-
Lakhisarai (Amahara), District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Manoj Kumar

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
Lakhisarai (Amhara) P.S. Case No. 754 of 2021 registered for
the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, police got secret
information to this extent that petitioner was doing business of
illicit liquor, reached the place of occurrence and recovered 15
litres of country made Mahua from the place of occurrence. It is
further alleged that after seeing the police personnel the
petitioner fled away from the spot.



Learned counsel for the petitioner submits that petitioner is in custody since 25.05.2022 and bears criminal antecedent of four cases in which one is of similar nature. Learned counsel further submits that petitioner has no concern with the seized Mahua liquor and nothing has been recovered from the conscious possession of the petitioner. It is further submitted that petitioner was not apprehended on spot.

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

Considering the facts and circumstances of the case, the petitioner was not apprehended on spot, period of custody also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge IVth-cum-Special Judge, Lakhisarai in connection with Lakhisarai P.S. Case No. 754 of 2021, 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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