

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45665 of 2022

Arising Out of PS. Case No.-207 Year-2012 Thana- MOTIPUR District- Muzaffarpur

MAHENDRA RAM Son of Late Bhardul Ram Resident of Village -
Morsandi, P.s.- Motipur, Dist.- Muzaffarpur Petitioner/s
Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Motipur P.S. Case No. 207 of 2012 registered for the offences
punishable under Section 47(A) of the Excise Act.

As per prosecution case, there is alleged recovery
of 140 litres of illicit spirit from the hut of the petitioner. The
petitioner and others fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is a poor person of labour class and he had gone out
of station to earn his livelihood and when he returned at his
house the police arrested him on 27.11.2021 and since then he is
in custody. Petitioner bears criminal antecedent of one case



which is not similar to the present case. Petitioner was not apprehended on the spot. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that basically nothing has been recovered from his possession and he has been falsely implicated in this case. Learned counsel for the petitioner further submits that the petitioner is accused in Motipur P.S. Case No.207/2012 which is an old Excise Act.

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, petitioner was not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Special Judge, Excise Act, Muzaffarpur in connection with Motipur P.S. Case No. 207 of 2012, 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)

Amitkumar/-
Vasudha/-

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