

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55677 of 2021

Arising Out of PS. Case No.-64 Year-2021 Thana- MIRGANJ District- Gopalganj

LOHA RAM, SON OF LATE RAMANAND RAM Resident of Village -
Ahirauli, P.S.- Mirganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Mirganj P.S. Case No. 64 of 2021 for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution story, in brief, is that on secret
information that the petitioner and one Sanjit Yadav were
engaged in illicit trade of liquor and they also keep fire arms in
their house, the police reached near the house of Loha Ram
(petitioner). On seeing the police, two persons started to flee



away, but on chase one person was apprehended who disclosed his name as Sanjit Yadav and he disclosed the name of his fleeing accomplice as Loha Ram (petitioner). On search, a country made pistol was recovered from sack of rice and 3.8 litres of country made liquor was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from conscious possession of the petitioner rather small quantity of liquor nearly 3.8 litres has been recovered from the house of the petitioner. Seizure was affected, but no seizure list was prepared in front of any of the member of his family. Petitioner has clean antecedent and is in custody since 11.06.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Taking into consideration the period of custody since 11.06.2021 as well as the fact that the name of the petitioner has surfaced in course of investigation and recovery of liquor is nearly 3.8 litres, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees



twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II cum Special Judge, Excise, Gopalganj in connection with Mirganj P.S. Case No. 64 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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