

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49264 of 2022

Arising Out of PS. Case No.-275 Year-2017 Thana- SIRDALA District- Nawada

RAMBRIKSH PRASAD S/o Ram Keshwar Prasad Resident of Village-
Kosumbatari, P.S.- Sirdalla, District- Nawadah.

... .. 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.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2022 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 through virtual mode.

The petitioner seeks bail in connection with Sirdalla
P.S. Case No. 275/2017 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery of
total 110 liters Mahua wine from place of occurrence.
Apprehended co-accused, Rai Ram Manjhi disclosed the name
of petitioner and others who fled away from the place of
occurrence.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case due to village politics. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 03.07.2022 and bears criminal antecedent of two cases of similar nature in which he is on bail. He further submits that the petitioner was not apprehended on the spot. Seizure list has not been prepared as per law. Apprehended co-accused, Jai Ram Manjhi has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.4857/2018 and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently 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, argument advanced on the both sides and 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, 1st, Nawadah in connection with Sirdalla P.S. Case No. 275/2017, 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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