

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62570 of 2021

Arising Out of PS. Case No.-280 Year-2021 Thana- LADANIA District- Madhubani

Ramchandra Mahara @ Ramchandra Mehra @ Ram Chandra Mahara, Son of
Late Prayag Mahara, Resident of Village - Yogiya, P.S.- Ladaniya, Dist.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-03-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

The petitioner seeks bail in connection with Ladaniya
P.S. Case No.280 of 2021 corresponding to G.R. No.1738 of
2021 registered for the offence punishable under Sections 272,
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition & Excise Act, 2016.

The prosecution case in short is that, on receiving
secret information by the police that some liquor smuggler were
bringing illicit liquor from Nepal and were loading on Scorpio
vehicle and when the police reached at the spot, after seeing the



police accused persons fled away but one of them was caught hold who told his name Ramchandra Mahara @ Ramchandra Mehra @ Ram Chandar Mahara (Petitioner) and after search 783 liters Nepali liquor has been recovered from the Scorpio and seizure list was prepared.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case. Learned counsel for the petitioner further submits that the guideline provided under Section 100 of the Cr.P.C. was not followed. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather recovery has been made from Scorpio in question. Learned counsel for the petitioner submits that petitioner has no concern with the alleged Scorpio and is in custody since 21.09.2021.

Learned Additional Public Prosecutor appearing on behalf of the State has opposes the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, IInd -cum- Special Judge Excise Act,



Madhubani in connection with Ladaniya P.S. Case No.280 of 2021 corresponding to G.R. No.1738 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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