

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52525 of 2022**

Arising Out of PS. Case No.-572 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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SHYAM KUMAR RAM S/o Ram Dayal Ram R/o village- Brahmpura, P.S.-
Singhwara, District- Darbhanga (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Smiti Bharti
For the Opposite Party/s : Mr.Sanjay Kumar

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 14-10-2022 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 Sadar
P.S. Case No.572 of 2020 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 807.800 illicit liquor from pick up van in question. Petitioner
is not apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR his name has been surfaced as
owner of the pick up van. He further submits that petitioner is



in custody since 23.04.2022 and bears no criminal antecedent. He further submits that the petitioner has neither concern with the seized vehicle nor concern with the alleged recovered wine. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot.

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 is not named in the FIR, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides 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 learned Special Judge -1 (Excise Act), Darbhanga in connection with Sadar P.S. Case No.572 of 2020, 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)

vashudha/-

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