

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65448 of 2021

Arising Out of PS. Case No.-365 Year-2021 Thana- MANJHI District- Saran

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Ramesh Choudhary, S/o Late Madhu Mangal Chaudhari, R/o village-
Fatehpur Saraiya, P.S.- Manjhi, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with
Manjhi P.S. Case No.365 of 2021 registered for the offence
punishable under Sections 30(a), 37 (2) of the Bihar Prohibition
and Excise Act, 2016.

There is alleged recovery of 105 litres illicit
country made liquor from a room on the first floor of the
petitioner's house.

Petitioner's counsel submits that it is a case of
false implication by the local police, based on extraneous
considerations, which is borne from the fact that the seizure list
is not in accordance with law as it does not bear the signature of
the petitioner. He is also having no criminal antecedents, which



has been taken note of by the learned court below while rejecting his application for bail on 23.10.2021. Petitioner is stated to be in custody since 18.10.2021. Investigation is complete as chargesheet has already been submitted.

Learned APP for the State has opposed the prayer for bail by submitting that the recovery is from the petitioner's house, as per the allegation.

Considering the rival submissions, fair antecedents, period of custody and the manner in which seizure list has been prepared, as per submission of the petitioner's counsel, this Court for the limited purpose for grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Chapra, District-Saran, in connection with Manjhi P.S. Case No.365 of 2021, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The



bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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