

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65298 of 2021

Arising Out of PS. Case No.-287 Year-2021 Thana- TARAIYA District- Saran

Yogendra Ram Son of Late Ramji Ram R/o Village - Aakuchak, P.S. -
Taraiya, District - Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushkar Narain Shahi, Sr. Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-05-2022 Heard the learned Senior Counsel, Mr. Pushkar
Narain Shahi and the learned APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within a period of four weeks.

The petitioner is in judicial custody in connection
with Taraiya P.S. Case No. 287 of 2021 registered under section
30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the allegation, while the informant along with
the police force were on a patrolling duty, they received secret
information that huge quantity of country made liquor was
being brought from the boat by the co-accused Mukesh Sahni.
On the said information, the police reached the spot and made
search near the bamboo orchard and recovered/seized 1000
litres of country made liquor which was kept hidden in the said



boat. Accordingly, the seizure list was prepared in presence of two independent witnesses. The petitioner herein along with the other accused were named in the FIR.

The learned Senior Counsel for the petitioner submits that he had nothing to do with the said seizure of the liquor and it is not the case of the informant that he was arrested along with the said liquor on the spot. He further drew attention to this Court to para-3 of the bail application to show that he does not have any criminal antecedent and only because he being the 'Choukidar' of the said village; his name has been dragged in the case.

Considering the aforesaid facts that the charge-sheet has been submitted, the petitioner does not have criminal antecedent and he is in jail since 17.9.2021 (as stated in para-8 of the bail application); this Court is inclined to grant the privilege of the bail to the petitioner with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Saran, in connection with Taraiya P.S. Case No. 287 of 2021 subject to the following conditions:-



(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every month for next six months to mark his presence;

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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