

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55989 of 2022

Arising Out of PS. Case No.-246 Year-2020 Thana- BATHNAHA District- Sitamarhi

JAY KUMAR RAM @ JAI KUMAR RAM S/O GAGAN DEV RAM
Resident of village- Ward No-05, Near School Madhopur Raushan, Bhisra,
Amghatta, P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with
Bathana P.S. Case No. 246 of 2020 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 408.720 liter foreign liquor from the Hero Glamour in
question and from the house of co-accused Ramvishwas Rai.
Apprehended co-accused persons that the petitioner is the owner
of said Hero Glamour vehicle and involved in trade of illicit
liquor.

Learned counsel for the petitioner submits that



petitioner is in custody since 02.07.2022. Petitioner bears two criminal antecedents of similar nature. Learned counsel further submits that nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is not apprehended on spot. As a matter of fact, the co-accused namely Ram Bishwas Rai, had taken the motorcycle from the petitioner saying that he had necessity to go to hospital for his treatment. The petitioner has no concern with the alleged liquor.

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 as well as period of custody, petitioner is not apprehended on spot 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court – I, Sitamarhi in connection with Bathana P.S. Case No. 246 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)

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