

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55220 of 2022

Arising Out of PS. Case No.-857 Year-2021 Thana- ALAMGANJ District- Patna

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LAKHAN RAM SON OF KRISHNA RAM MEENA BAZAR

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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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 in virtual court proceeding.

The petitioner seeks bail in connection with
Alamganj P.S. Case No. 857 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2020.

As per prosecution case, there is alleged
recovery of 30 litres of country made liquor from the lane
adjacent to the house of petitioner. Petitioner and other fled
away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.07.2022 and bears criminal
antecedent of five cases of similar nature. He further



submits that petitioner has no concern with the alleged recovered liquor. Nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 of Cr.P.C. Petitioner is not apprehended on spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, 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, **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 Judge-Excise, Patna City, Patna in connection with Alamganj P.S. Case No. 857 of 2021, 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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