

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57257 of 2022

Arising Out of PS. Case No.-356 Year-2022 Thana- LAKHISARAI District- Lakhisarai

1. Shailun Ram @ Shailendra Ram Son of Late Gariban Ram Resident of Village- Bikkam, P.S.- Lakhisarai(Amahara O.P.), District- Lakhisarai
2. Vidyarthi Ram Son of Late Faudari Ram Resident of Village- Bikkam, P.S.- Lakhisarai(Amahara O.P.), District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-11-2022 Heard Id. counsel for the petitioner and learned
APP for the State.

The petitioners seek bail in connection with
Lakhisarai (Amahara) P.S. Case No. 356 of 2022, registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per allegation, 50 liters of country made liquor
has been recovered near the house of Bahadur Bind and
Dane Bind.

The learned counsel for the petitioners submits that
the petitioners are innocent and have falsely been implicated



in this case only on the basis of suspicion. He further submits that the petitioners are neither apprehended on the spot nor any incriminating material has been recovered from their conscious possession. The petitioners have been languishing in jail since 25.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved before this Court earlier for grant of anticipatory bail or for regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner no. 1, namely, Shailun Ram @ Shailendra Ram and petitioner no. 2, namely, Vidyarthi Ram have been made accused in one and two more cases respectively.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Id. IV Additional



District and Sessions Judge, Cum Exclusive Special Excise Court No.1, Lakhisarai, Dist- Lakhisarai in connection with Lakhisarai (Amahara) P.S. Case No. 356 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and



getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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