

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2356 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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RAJESH RAM @ BUTAN S/o Ruplal Ram R/o Chaurain, P.S.-
Umribatnagar, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd. Singh, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Special Case No. 5848/2021 arising out of P.R. Bihta Case No.
D-42/2021 registered for the offences punishable under Sections
30(a)/56, 58 of the Bihar Prohibition and Excise Act.

As per prosecution case, on secret information,
informant along with some police forces was conducting
checking, during course of checking from scorpio vehicle total
311.040 liters foreign liquor was recovered and the petitioner
was also apprehended from the spot.



Learned counsel for the petitioner submits that petitioner is innocent, has committed no offence and has been falsely implicated in this case. There is no recovery from the conscious possession of the petitioner and the petitioner is neither driver nor he has any concern with the alleged vehicle and seized liquor. He further submits that the petitioner is in custody since 19.09.2021 and he bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Special Case No. 5848/2021 arising out of P.R. Bihta Case No. D-42/2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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