

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58764 of 2023

Arising Out of PS. Case No.-219 Year-2023 Thana- BIKRAMGANJ District- Rohtas

Nilam Ram Son Of Latheri Ram @ Laheri Ram Resident Of Village
Morowna, Ps Bikramganj, Dist- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 29.04.2023 in connection with Bikramganj P.S. Case No. 219 of 2023, F.I.R. dated 27.04.2023 for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 307, 354 (B), 427, 353, 337, 379 and 504 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition and Excise Act and Section 3 of Prevention of Damage to Public Property Act.

3. Recovery is of approximately 13 liters of country made liquor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that 5 liters of country made liquor has been recovered from the conscious possession of the petitioner. He further submits that there is non-compliance of Section 100 of Cr.P.C. He further submits that after the arrest of the petitioner along with other accused persons, some occurrence took place in which the petitioner has no hand because the petitioner in police custody and there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.04.2023.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. 1, Rohtas at Sasaram in connection with Bikramganj P.S. Case No. 219 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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