

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60035 of 2023

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

SANTOSH RAM son of Late Ram Ashish Ram 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. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Bikramganj P.S. Case No. 219 of 2023 for the offence under section 30(a) of the Bihar Excise Act and sections 147, 148, 149, 341, 342, 323, 307, 354 (B), 427, 353, 337, 379, 504 of the Indian Penal Code and section 3 of Prevention of Damage to Public Property Act lodged on 27.04.2023 by the informant, Roji.

3. As per the prosecution story, the allegation is that upon information that liquor traders are present, the Police reached, arrested some accused persons and recovered/seized 10 liters of Desi Chulai. Further allegation is that the locals tried to get the accused persons released and in the process, the Police officials were assaulted and the vehicle was damaged. Accordingly the FIR.

4. Learned counsel for the petitioner submits that he is



an agriculturalist, had no role to play in the matter, has been dragged by the Police, has remained in custody since 29.04.2023 (as stated in paragraph 13 of the petition), nothing has been recovered from his possession.

5. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs.1,000/- to the Chief Minister's Relief Fund.

6. Learned APP opposes the prayer for bail.

7. Taking into account the first part of recovery of liquor is not attributed to this petitioner, his role has come on misbehaving with the police personnel, omnibus allegation is there and is in custody since 29.04.2023, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 1,000/- as undertaken by the learned counsel for the petitioner.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of 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) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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