

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58037 of 2023

Arising Out of PS. Case No.-365 Year-2022 Thana- AMNAUR District- Saran

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SANJAY RAM S/O CHHATHU RAM R/O VILLAGE- DHORLAHI
KAITHAL, WARD NO.-2, P.O AND P.S- AMNOUR, DISTT.- SARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2023

Heard the parties.

The petitioner is in custody in connection with Amnour P.S. Case No. 365 of 2022 for the offence under sections 30(a) and 37 of the Bihar Prohibition and Excise Act, 2016 lodged on 14.12.2022 by the informant, Kundan Kumar Tiwary.

As per the prosecution story, the Police patrolling team went near the 'baswari' of one Binda Ray and saw people holding packets of wine for selling. Accordingly, he was chased and the locals gave his name as Sanjay Ram (the petitioner herein). Further from the bushes, 324.20 liters country made liquor recovered/seized. Accordingly, the FIR.

Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession rather



from the bushes and the villagers to implicate, named him.
Further, he is in custody since 14.12.2022.

Learned APP opposes the prayer for bail stating that the locals gave his name.

Considering the fact that the recovery is from the bushes, he is in custody since 14.12.2022 and nothing has been recovered from his conscious possession, this Court is inclined to extend him the privilege of bail with conditions.

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 2nd Additional District and Sessions Judge-cum-1st Special Judge-Excise, Saran, in connection with Amnour P.S. Case No. 365 of 2022 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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