

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57963 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- KHANPURA District- Samastipur

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RAMNATH KUMAR S/O Laddu Lal Mahto R/O Village- Madhutol, Ward
No- 10, P.S- Khanpur, District- Samstipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Aprajita, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

Recovery is of 144 litres of illicit foreign liquor.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and has falsely been implicated
in the present case. He further submits that the recovery has
been made from house of petitioner and not from petitioner's
conscious possession. He further submits that the petitioner has
no concern at all with the alleged recovery of the illicit liquor.
He further submits that there is non-compliance with mandatory



procedure prescribed for recovery under Section 100 of Cr.P.C.
He further submits that the petitioner is in custody since
12.08.2022.

Learned APP for the State has opposed the prayer for
bail of the petitioner.

Considering the facts and circumstances of the case ,
petitioner has clean antecedent and nothing has been recovered
from the conscious possession of the petitioner, let the
petitioner, above named, be released on bail on furnishing bail
bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties
of the like amount each to the satisfaction of learned Court
below where the case is pending in connection with Khanpur
P.S. Case No. 201 of 2022 with the following conditions

(1) 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.

(2) If the petitioner tampers with the evidence or the
witness, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(3) 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 antecedents, 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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