

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68585 of 2023**

Arising Out of PS. Case No.-349 Year-2023 Thana- UCHKAGAON District- Gopalganj

Laddu Kumar @ Ranjan Kumar Ram @ Laddu Ram @ Ranjan Kumar @
Lado Ram Son Of Shivji Ram Resident Of Pendula Khas, P.S.- Uchkagaon,
Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Adv

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr. Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Uchkagaon P.S. Case No. 349 of 2023 registered on 23.08.2023
lodged under Sections 30(a) of the Bihar Prohibition and Excise
Act (Amendment), 2022.

3. As per the prosecution case, total recovery of
130.400 litre is the subject matter of this case

4. Counsel for the petitioner submits that the said
recovery has not been made from the petitioner's possession
rather it has been recovered from the public place. He further
submits that no offence under provision of Bihar Prohibition and
Excise Act (Amendment), 2022 is made out.



5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 24.08.2023 having two criminal case pending against him, in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail submits that this aspect shall also be taken into consideration at the time of granting bail that the petitioner have two antecedents.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail after framing of charge and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Special Judge Excise-I, Gopalganj in connection with Uchkagaon P.S. Case No. 349 of 2023 subject to the following conditions as well as the conditions laid down under Section 437(3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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 the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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