

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66088 of 2022

Arising Out of PS. Case No.-362 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Ram Kumar, aged about 30 yrs Male S/O Mahendra Mahto R/O Baghkurwa,
Ward No-12, Bikrampur, P.S- Cheriabariarpur Dist. Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Adv.

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sultanganj PS Case No. 362 of 2022 dated 23-09-2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

As per allegation in the First Information Report (*for brevity FIR*) total 1300 liters illicit liquor has been recovered from a Tata 407 vehicle. The petitioner name has been inserted in this case on statement of co-accused, namely, Anand Mohan, who was allegedly sitting in the vehicle in-question.

Learned counsel for the petitioner submits that on account of his antecedent, the name of the petitioner has been inserted by the police in statement of co-accused while he was taken in custody. As per prosecution case also the petitioner was not present at the place of recovery. It is submitted that investigation is complete. Recovery is denied and disputed as being not in accordance with law.



The petitioner is in custody since 25-09-2022.

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

Considering the rival submissions, manner of petitioner's implication, period of custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Special Judge, Exclusive Excise Court No.- 2 Bhagalpur, in connection with Sultanganj PS Case No. 362 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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