

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73941 of 2023

Arising Out of PS. Case No.-352 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

RAJKUMAR RAM @ SONU KUMAR RAM Son of Kanhaiya Ram
Resident of Village - Khajhara, P.S.- Mohania, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kudra P.S. Case No. 352 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, there was alleged recovery of 134.200 liter illicit liquor from the Santro car in question. Petitioner being the driver of the said car apprehended on spot.

4. Learned counsel for the petitioner submits that petitioner is in custody since 18.09.2023. Petitioner bears no criminal antecedent. Learned counsel orally submits that charge-sheet has already been submitted in the present case and there is



no likelihood of tampering with the prosecution evidence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is quite innocent and has committed no offence as alleged in the F.I.R. and the story is concocted and petitioner has made scapegoat, being the owner and driver of said vehicle. Seizure list has not been made as per law.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, 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 Special Judge Excise No. 1, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 352/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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