

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77288 of 2023

Arising Out of PS. Case No.-352 Year-2019 Thana- HARSIDHI District- East Champaran

Rameshwar Prasad S/O Late Sitaram Mahto R/O Village- Bhada Nuniya Tola,
Ps. Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Harsidhi P.S. Case No. 352/2019 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. As per prosecution case, there is alleged recovery
of total 40 liters spirit from the house of the petitioner and the
petitioner was not apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to dirty village politics. Nothing has been recovered
from the conscious possession of the petitioner and the
petitioner has nothing to do with the alleged occurrence. The



petitioner is languishing in custody since 02.09.2023 and bears no criminal antecedent. He further submits that the alleged recovery was made from the joint house of the petitioner. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Civil Court, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 352/2019, 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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