

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75125 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- CHANAN District- Lakhisarai

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1. ANIL RAM S/o Manoj Ram R/v- Kunder, P.S.- Chanan, District- Lakhisarai
 2. CHINTU RAM @ PINTU RAM S/o Late Bhola Ram R/v- Kunder, P.S.- Chanan, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
19.10.2022 in connection with Chanan P.S. Case No. 28 of
2022, F.I.R. dated 25.02.2022 for the offences punishable under
Sections 30(a)(b)(c) of the Bihar Prohibition and Excise Act,
2016.

Recovery is of total 100 liters of Desi Mahua liquor.

Learned counsel for the petitioners submits that
petitioners are innocent and they have falsely been implicated in
the present case on the basis of disclosure made by the local
choukidar. He further submits that it appears from the F.I.R. as
well as seizure list that nothing has been recovered from the



conscious possession of the petitioners rather the recovery has been made from the forest area. He further submits that petitioners were not apprehended at the spot and they have no concern at all with the alleged recovery of illicit liquor. He further submits that similarly situated, co-accused, namely, Chintu Ram @ Pintu Ram has been granted bail by a co-ordinate Bench of this Court vide order dated 20.01.2023 passed in Cr. Misc. No. 75291 of 2022 and another co-accused persons namely, Anil Ram, Chintu Ram @ Pintu Ram, Sanjit Ravat @ Sanjeev Kumar, Laxman Yadav have been granted bail by a coordinate Bench of this Hon'ble Court vide order dated 10.02.2023 passed in Cr. Misc. No.73507 of 2022, Cr. Misc. No. 7 of 2023, Cr. Misc. No. 6613 of 2023. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 19.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries three criminal antecedent other than the present one but fairly submits that petitioner no.2 is on bail in two cases.

Considering the aforesaid facts and circumstances,



nothing has been recovered from the conscious possession of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV-cum-Special Excise Court 1st Lakhisarai in connection with Chanan P.S. Case No. 28 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioners. 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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