

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79758 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- CHANAN District- Lakhisarai

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Kailash Ram Son of Late Setho Ram Resident of Village - Navi Nagar, P.S. -
Jamui, District – Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Prasad

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Chanan P.S. Case No. 99/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged
recovery of total 15 liters country made liquor from the
motorcycle in question and the petitioner was apprehended on
the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession
of the petitioner. The petitioner is languishing in custody since



22.08.2023 and bears no criminal antecedent. He further submits that the petitioner was apprehended during vehicle checking and he had not produced the document of the said motorcycle and on that count he has falsely been roped in this case. He further submits that the said motorcycle does not belong to the petitioner rather, the said motorcycle is in the name of his brother who has already died. He further submits that all the witnesses are the police party and there is no compliance of Section 100 Cr.P.C.

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 Additional District and Sessions Judge-IV cum Special Excise Court no.-01, Lakhisarai in connection with Chanan P.S. Case No. 99/2023, 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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