

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49772 of 2024

Arising Out of PS. Case No.-72 Year-2019 Thana- BARHIYA District- Lakhisarai

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Bharat Ram, Male, aged about 30 years, Son of Late Anup Ram, Resident of
Village - Golbhatta, P.S. - Barhahia, District – Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 22-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Barhiya P.S. Case No. 72 of 2019 instituted for the offences
punishable under Sections 30(a), 32(i)(ii) and 41 of the Bihar
Prohibition and Excise Amendment Act.

3. As per the prosecution case, total 70 liters country
made wine some Aluminum steal utensils, small gas cylinder,
Plastic dram was recovered from the Rambagh Bagicha.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He further submits that
neither the petitioner belongs to Rambagh Bagicha nor he
belongs to the alleged liquor. No incriminating articles has been
recovered from the conscious possession of the petitioner.



Petitioner was not arrested at the spot. There is no any independent witness of the seizure list. Petitioner is in custody since 12.04.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Additional District and Sessions Judge-IV-cum-Special Excise Court-I, Lakhisarai dated 30.04.2024, it appears that petitioner is named in the FIR and his name surfaced from the other unknown sources and there is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-IV-cum-Special Excise Court-Ist, Lakhisarai in connection with Barhiya P.S. Case No. 72 of 2019.

7. It is made clear that the petitioner shall not involve in similar nature of offence till conclusion of trial, failing which, the informant/State shall be at liberty to move before the Trial Court itself for cancellation of bail bonds of the petitioner.

(Ramesh Chand Malviya, J)

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