

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75796 of 2024

Arising Out of PS. Case No.-188 Year-2024 Thana- GHOSWARI District- Patna

Malkhan Ram Son of Sita Ram Ram Resident of Village- Ghoswari, P.S.-
Ghoswari, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Adv.

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Ghoswari P.S. Case No. 188 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, police received information about a person selling country made liquor. A raid was conducted and this petitioner was apprehended and from his possession 8 litre country made liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in this case and nothing incriminating has been recovered from the conscious possession of this petitioner. It is clear from the FIR



that the recovery has been made from an open place. The petitioner is having antecedent of one case in which he is on bail and he is in custody since 08.09.2024 in the present case.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the quantity of liquor seized and also considering the period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Barh/concerned court, in connection with Ghoswari P.S. Case No. 188 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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