

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82151 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- KHAGARIA RAIL P.S. District- Khagaria

Ram Sharan Kumar Son of Gopal Yadav Resident of Saidpur Ward No. 06,
PS Mansi District Khagaria.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Khagaria Rail P.S. Case No. 95/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, there was alleged
recovery of 35.280 liters foreign liquor which was kept in a bag
from Mahananda Express at Khagaria railway station 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 merely on suspicion. Except suspicion, there is nothing on
record to demonstrate the complicity of the present petitioner



with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 22.09.2023 and bears no criminal antecedent. He further submits that the petitioner has no concern with the seized liquor. 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 Special Judge, Excise Court-02nd, Khagaria in connection with Khagaria Rail P.S. Case No. 95/2023, 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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