

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3125 of 2024

Arising Out of PS. Case No.-708 Year-2023 Thana- FORBESGANJ District- Araria

Kanhaiya Ram Son Of Jagdish Ram Resident Of Village - Kirkichia Ward
No.07, P.S. - Forbesganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Forbesganj PS Case No. 708 of 2023 dated 01-08-2023, instituted under Sections 30(a) of the Bihar Prohibition & Excise Act, 2018.

3. The allegation is of recovery of 30 litres of country made liquor from a sack, which was lying in the Hondo Scooty bearing Engine No. JE91E-D-6034912.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that due to his previous antecedents, he has been made accused in this case. The petitioner has been made accused only on the basis of suspicion and disclosure made by



the '*Chowkidar*' of the locality. It is submitted that nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor and Scooty. Three criminal cases are pending against the petitioner since before, as per statement made in para 3 of the petition.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl Judge Excise-1 Araria, in Forbesganj PS Case No. 708 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court



concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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