

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16673 of 2025

Arising Out of PS. Case No.-116 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

Ramesh Kumar @ Jai Shankar Kumar Das Son of Motilal Das Resident of
Village -Latta (Dikuani) PS- Podaiyahat District -Godda State Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-03-2025 Heard Mr. Anish Kumar, learned counsel for the
petitioner and Mr. Md. Matloob Rab, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 21.02.2025, in connection with Industrial P.S. Case No. 116 of 2021, F.I.R. dated 04.09.2021 registered for the offences punishable under Sections 272, 273, 188, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 725.64 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the recovery has been



made from the tractor in question and the name of the petitioner has been transpired on the basis of confessional statement of co-accused persons namely Gopal Paswan and Shravan Kumar. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the tractor in question and the co-accused persons namely Gopal Paswan and Shravan Kumar @ Sravan Kumar have been granted bail by this Court vide order dated 03.03.2022 passed in Cr. Misc. No. 63983 of 2021, another co-accused person namely Rakesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 18.12.2024 passed in Cr. Misc. No. 77690 of 2024 and the petitioner is in custody since 21.02.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases of similar nature but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Excise Judge-I, Bhagalpur in connection with Industrial P.S. Case No. 116 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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(Rajesh Kumar Verma, J)

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