

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47962 of 2022

Arising Out of PS. Case No.-221 Year-2022 Thana- PHULWARIYA District- Gopalganj

Ram Sahani S/o Hari Shankar Sahani Resident of village - Khawajapur, P.O.
and P.S.- Jadopur, Khawajapur Gopalganj, District - gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti

For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Phulwariya P.S. Case No. 221 of 2022, registered for the

offences punishable under Sections 30(a) of Bihar Prohibition

and Excise (Amendment) Act, 2018 and Sections 184(4),

177 and 179 of Motor Vehicle Act.

As per allegation, 98.76 litres of foreign made

liquor has been recovered from an auto bearing Registration

No. BR29 L 4479.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case. He also submits that the petitioner is a driver of the vehicle and he is not aware of the content of the material loaded in the auto. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner has been languishing in custody since 25.05.2022 i.e., for about six months.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Ld. Additional District Sessions Judge, II-cum-Judge Excise Court, Gopalganj in



connection with Phulwariya P.S. Case No. 221 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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