

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72064 of 2021

Arising Out of PS. Case No.-462 Year-2021 Thana- JOKIHAT District- Araria

PRBHU RAM KHILERI @ PRABHU RAM S/o Ratna Ram Resident of
Village - Sarman, P.S. - Samchor, District - Jalor, Rajasthan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.Sanjay Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Jokihat P.S.
Case No. 462 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Excise Act, 2016.

There is recovery of 4275 litres of illicit liquor from
the truck.

Learned counsel for the petitioner submits that
petitioner is a person of clean antecedent and he has falsely been
implicated in the present case only on the basis that petitioner is



driver of the truck in question. He further submits that nothing has been recovered from conscious possession of the petitioner rather recovery has been made from the truck in question and petitioner has no concern with the alleged recovery. Petitioner is in custody since 24.09.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd cum Special Judge, (Excise), Araria in connection with Jokihat P.S. Case No. 462 of 2021, subject to the following conditions:-

1. One of the bailors shall be the resident of territorial jurisdiction of the court below.

2. 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.



3. 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.

4. 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 antecedent, 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.

(Rajesh Kumar Verma, J)

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