

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2340 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- BHAIRAVSHTHAN District-
Madhubani

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MOTA RAM @ MOTIRAM Son of Rama Ram Resident of Village- Jayru,
P.S.- Ramsar, District- Barmer (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Damodar Prasad Tiwary,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in a case registered for the
offence under Sections 420,467,468,471/34 of IPC and Sections
30(a),32,41 of Bihar Prohibition Excise (Amendment) Act,
2018.

Recovery is of 2208.600 liters of illicit liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. Further submits that it appears
from the FIR as well as seizure list that altogether 2208.600
liters of illicit liquor was recovered from the Truck in question
and the petitioner is Driver of the Truck in question and the



petitioner has no concern at all with the alleged recovery of illicit liquor and nothing has been recovered from conscious possession of the petitioner and there is non-compliance of Section 100 of the Cr. P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 19.10.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner and the petitioner has clean antecedent, 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 learned court below where the case is pending in connection with G.R.No.903 of 2022 arising out of Bhairavsthan P.S.Case No.191 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) 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.

(3) One of the bailors should be the father of the petitioner.

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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