

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9441 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Chandan Kumar Ram S/O Kishun Ram @ Krishna Ram Resident of village- Devapur, Purdil Tola, P.S.- Manjhagargh, District- Gopalganj.
 2. Rahul Ram S/O Vishwanath Ram Resident of village- Bhitbherwa, P.S.- Nagar Thana Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-05-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
(Gopalganj) Excise P. S. Case No. 029 of 2023, registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per allegation, 656.640 litres of liquor was
recovered from a Bolero pick-up vehicle, bearing Registration
No. BR05GA-9633.

Ld. counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in



this case. He further submits nothing has been recovered from the conscious possession of the petitioners. He also submits that petitioners are driver and co-driver of the vehicle and they are not aware of the contents of the material loaded in the truck as they are just doing their duty as per direction of the owner of the vehicle.

He further submits that the petitioners have been languishing in jail since 08.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with



two sureties of the like amount each to the satisfaction of
Ld. Additional District and Sessions Judge-IV-cum-Exclusive
Special Excise Court-II, Gopalganj, in connection with
(Gopalganj) Excise P. S. Case No. 029 of 2023, on the
following conditions:

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

(ii) The petitioners will undertake that
investigation/trial will not get hampered on account of their
absence or non-cooperation. They must be available to the
police or the court whenever their presence is required.

(iii) The petitioners 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 them
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 petitioners have any criminal antecedents, Ld.
court below shall cancel the bail bonds of the petitioners



after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeats offence of similar nature after enlargement on bail, their bail-bonds will be cancelled by the court below.

Ld. counsel for the petitioners 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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