

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30858 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BHELDI District- Saran

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1. Kala Ram Son Of Dewa Ram, Resident at- Agarwash, P.S.- Chitrawana, District- Jalain, Rajasthan
 2. Ruga Ram Son of Teja Ram, Resident at- Dhurawa, P.S.- Parbarsar, District- Barmer

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghwendra Pratap Singh

For the Opposite Party/s : Ms. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Bheldi

P. S. Case No. 23 of 2023, registered for the offences

punishable under Sections 420, 467, 468, 471 and 120 B of

the Indian Penal Code and Sections 30(a), 32, 36 and 41 of

the Bihar Prohibition and Excise Act.

As per allegation, 5274 litres of liquor was

recovered from a truck bearing Registration No.

RJ16GA1697 and 4554.36 litres of liquor was recovered

from a truck bearing Registration No. RJ19GB 4086.



Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that the petitioner no. 1 and petitioner no. 2 are the driver and co-driver of the alleged truck and they were not aware of the contents of the material loaded in it.

He further submits that the petitioners have been languishing in jail since 22.01.2023.

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 2nd cum Exclusive Special Judge, Excise 1st, Saran at Chapra, in connection with Bheldi P. S. Case No. 23 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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