

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49521 of 2023

Arising Out of PS. Case No.-395 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

Bala Ram S/O Warsingha Ram R/O Village- Chandi @ Chari, Ps. Ramsar,
Dist. Warmer @ Bagder @ Bagdeh (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 51373 of 2023

Arising Out of PS. Case No.-395 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

CHARAN SINGH S/O Mod Singh R/O Village- Bhalikhal, P.S- Gudamalani,
Distt.- Barmer @ Bagder (Rajasthan).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 51685 of 2023

Arising Out of PS. Case No.-395 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

Ramesh Kumar Son Of Kana Ram Resident Of Bhalikhal Ps- Gudabhalani,
Dist- Barmer Bagder (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 49521 of 2023)
For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP
(In CRIMINAL MISCELLANEOUS No. 51373 of 2023)
For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP
(In CRIMINAL MISCELLANEOUS No. 51685 of 2023)



For the Petitioner/s : Mr. Anuj Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since 23.05.2023, in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 395 of 2023, F.I.R. dated 22.05.2023 registered for the offences punishable under Sections 467, 468, 419, 420, 471, 34 of the Indian Penal Code and Sections 30(a), 32(i)(ii), 41(i) of the Bihar Prohibition and Excise Amended Act, 2022.

3. The case relates to recovery of 14281.485 litres of illicit liquor as well as medicine and mobile phones from three trucks.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioners rather recovery has been made from the trucks in question. He further submits that the petitioners were apprehended at the place of occurrence and the petitioners namely Bala Ram and Charan Singh are the drivers of the vehicles in question and the petitioner namely Ramesh Kumar is the helper of the vehicle in



question and they have no concern at all with the alleged recovery of illicit liquor. The petitioners are in custody since 23.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge 1, Excise, Jehanabad in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 395 of 2023, subject to the following conditions :-

(1) One of the bailors should be the father of the petitioners.

(2) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(3) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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