

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52375 of 2023

Arising Out of PS. Case No.-302 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Banka Ram Son Of Uda Ram R/O Paneriya Boli, P.S- Barwar Sar, Dist-
Barmer, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey,Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
22.05.2023 in connection with Daudnagar P.S. Case No. 302 of
2023, F.I.R. dated 21.05.2023 registered for the offence
punishable under Sections 30(a)/32/41 of Bihar Prohibition and
Excise Amendment Act, 2018.

3. Recovery is of 6139.44 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from a bare perusal of the FIR as well as the seizure list that
nothing has been recovered from conscious possession of the
petitioner rather altogether 6139.44 liters of foreign liquor has



been recovered from the Truck in question and the petitioner is driver of the Truck in question and he has no concern at all with the alleged recovery of illicit liquor and the petitioner is in custody since 22.05.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, petitioner has clean antecedent, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Aurangabad in connection with Daudnagar P.S. Case No. 302 of 2023, with the following conditions:-

(I) One of the bailors should be the father of the petitioner, namely, Uda Ram.

(II) 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.

(III) 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.

(IV) 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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