

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52726 of 2023

Arising Out of PS. Case No.-452 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

1. MAGGA RAM S/O BIRDA RAM @ VIRADHA RAM R/O JAYDU, P.S- RAMSAR, DISTT.- BARMER (RAJASTHAN).
2. PORKHA RAM S/O GAAJA RAM R/O JAYDU, P.S- RAMSAR, DISTT.- BARMER (RAJASTHAN).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Hajipur Sadar P.S. Case No.452 of 2023 instituted under Sections 467, 468, 471, 120(B) of the IPC and Section 30(a),32(ii),36, 41(i) of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 11.06.2023 by the informant Sanjeev Kumar.

As per the prosecution story, on secret information, a truck was intercepted and 4892.400 liters of IMFL recovered/seized followed by FIR.

Learned counsel for the petitioners submit that they are the Driver and Cleaner and had little knowledge about the presence of liquor beneath the cattle feed. Further, they are in



custody since 12.06.2023 (para-14 of the petition).

Learned APP opposes the prayer for bail.

Considering the aforesaid submissions, the period of custody (12.06.2023), they do not have criminal antecedents and are Driver and Cleaner, this Court is inclined to extend them privilege of bail after framing of charges.

Let both the petitioners be released on bail after framing of charges on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each in connection with Hajipur Sadar P.S. Case No.452 of 2023 to the satisfaction of learned Exclusive Special Excise Court No.1 cum Additional District & Sessions Judge, Vaishali at Hajipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark



attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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