

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54294 of 2023

Arising Out of PS. Case No.-468 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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1. HANUMAN RAM SON OF LATE DHARMA RAM VILLAGE RATASAR, P.S VIJRAJ, DISTRICT BARMER, RAJSTHAN
 2. RAMESH KUMAR SON OF ISARA RAM R/V GAGARIYA STATION, PS- RAMSAR, DIST- BARMER (RAJASTHAN)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-08-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Excise P.S. Case No. 468 of 2023, G.R. No.729 of 2023, instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, lodged on 02.06.2023 by the informant, Amit Kumar.

3. As per the prosecution case, truck was intercepted and altogether 4798.800 litres of foreign liquor was recovered /seized. This followed the arrest /F.I.R.

4. Learned counsel for the petitioners submit that they are the Driver and the Cleaner and do not have criminal antecedent and further, they are resident of Rajasthan and had



no realisation that between the goods, the liquor has been placed for which they have already suffered as they are in custody since 03.06.2023 (para 14 of the bail petition).

5. Learned APP opposes the prayer for bail and points out that there is huge recovery of foreign liquor.

6. Considering the fact that the petitioners are not native of the State, illiterate, being aware of the prohibition they are Driver and Cleaner, do not have criminal antecedent and are in custody since 03.06.2023, this Court is inclined to grant them privilege of bail

7. Let both the petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Excise P.S. Case No. 468 of 2023, G.R. No.729 of 2023, to the satisfaction of learned Court of Special Judge, Excise Court No.02, Aurangabad, 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 petitioners shall appear before the concerned police station every month for next one year 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)

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