

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57339 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- MANIGACHI District- Darbhanga

1. MOHAN RAM SON OF DAYA RAM RESIDENT OF VILLAGE-LABRO, PS- RAMSAR, DIST- BARMER, RAJASTHAN
2. LICHHA RAM SON OF HANUMAN RAM RESIDENT OF VILLAGE-ROOT HIGHT, PS- BARMER, DIST- BARMER, RAJASTHAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Manigachhi P.S. Case No. 129 of 2023, instituted under Sections 467, 468, 471 of the I.P.C., lodged on 15.06.2023, by the informant, Priyanka Kumari.

3. As per the prosecution story, the allegation is that the police upon secret information intercepted a truck moving from Jhanjharpur to Darbhanga on NH-57 near toll plaza and recovered / seized 5526 litres of whiskey beneath there. Accordingly, the F.I.R. lodged and two accused persons were apprehended.

4. The case of the petitioner is that they are drivers



and in the truck, rice husk was loaded and beneath which, the whiskey was present which was unknown to them. They are natives of different State and have become victim of circumstances, are in custody since 15.06.2023 (Paragraph 11 of the bail petition) and do not have criminal antecedent. Learned counsel for the petitioner further submits that the owner has also been made accused in this case.

5. Learned APP opposes the prayer for bail application stating that from the truck they were driving where the alleged recovery made.

6. Considering the submissions put forward by the parties, both of them are drivers, are in custody since 15.06.2023 and do not have criminal antecedent and as submitted by learned counsel for the petitioners that they will be diligently appearing in the trial, 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 Manigachhi P.S. Case No. 129 of 2023, to the satisfaction of learned Special Judge Excise-2, Darbhanga, 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 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)

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