

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57389 of 2023

Arising Out of PS. Case No.-470 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Mota Ram Son Of Rama Ram Vill Jaydoo Vasara Ps Ramsar Distt Barmer
State Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 08.07.2023 in connection with Mohania P.S. Case No. 470 of 2023, F.I.R. dated 07.07.2023 for the offences punishable under Sections 420, 467 and 468 /34 of the Indian Penal Code and Sections 30(a) and 47 of the Bihar Prohibition and Excise Act.

3. Recovery is of 4428 liters of illicit liquor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that no incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from the truck in



question and the petitioner is the driver of the said truck in question. He further submits that the illicit liquor was not loaded in presence of the petitioner and he has no knowledge about the loading of the liquor. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor. The petitioner is in custody since 08.07.2023.

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

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise No. 1 cum Additional District Judge IV, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 470 of 2023, subject to the following conditions:-

i. One of the bailors shall be the father of the petitioner, namely, Rama 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 absence on two consecutive dates without sufficient



reason, his 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)

Vanisha/-

U		T	
---	--	---	--

