

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58261 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- KATEYA District- Gopalganj

Ramjaan Ali Son Of Shaukat Ali R/O Village- Khiriga Tola, P.S.- Badahariya,
Distt.- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 414/34 of the Indian Penal Code and Sections 30(a), 45 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of 187.680 liters of foreign liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the recovery has been made from tempo in question and not from petitioner's conscious possession. He further submits that petitioner is neither the driver nor the owner of the tempo in question. He further submits that petitioner has no concern at all with the alleged recovery of the illicit liquor. He further submits that one



co-accused person, namely, Manu Ansari has been granted bail by a Co-ordinate Bench of this Court vide order dated 14.10.2022 passed in Cr. Misc. No. 51185 of 2022. He further submits that the petitioner is in custody since 24.07.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Kateya P.S. Case No. 338 of 2022, with the following conditions:

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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 antecedents, 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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