

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58668 of 2023

Arising Out of PS. Case No.-436 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

1. OM PRAKASH S/O DURGA RAM R/O SODIYAR, P.S- CHAUTHAN, DISTT.- BARMER, RAJASTHAN.
2. PRAKASH S/O MEGHA RAM R/O KAKRALA, P.S- BHAKSAUR, DISTT.- BARMER, RAJASTHAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023

Heard the parties.

2. The petitioners are accuseds in connection with Makhdumpur P.S. Case No. 436 of 2023 registered for the offences under sections 467, 468, 419, 420, 471 and 34 of the Indian Penal Code and sections 30(a), 32(1)(2) and 41(1) of the Bihar Prohibition and Excise Amendment Act lodged on 10.06.2023 by the informant, Uma Prasad Rai.

3. As per the prosecution story, the police intercepted the truck and recovered/seized 7875.36 litres of illicit liquor and the occupants, Om Prakash and Prakash were arrested. Accordingly, the FIR.

4. It is the case of the petitioner that they are resident of Rajasthan, driver and cleaner, have no knowledge that amongst the articles that have been loaded on the truck to be delivered, liquor has been placed which resulted into their



implication, arrested and are in custody since 11.06.2023 (as stated in paragraph 5 of the bail application). Further, they being the only bread earner of the family and both the petitioners are on the verge of starvation.

5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that from the truck driven by them, huge quantity of liquor has been recovered.

6. Considering the facts on record, the submissions put forward by the parties as they are drivers and cleaner are from a different State, FIR has been lodged and will be diligently appearing in the trial, this Court is inclined to extend them privilege of bail in the backdrop of fact that they do not have criminal antecedent.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Special Judge Excise-1, Jehanabad, Bihar in connection with Makhdumpur P.S. Case No. 436 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *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 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.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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