

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.61749 of 2023**

Arising Out of PS. Case No.-273 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Ravi Verma S/O Dayaram Verma Village Shankarpur Chhawani, Ps-  
Mohammadi, Dist- Lakhimpur Khiri (UTTAR Pradesh)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**

ORAL ORDER

2      25-09-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 20.07.2023 in connection with Durgawati P.S. Case No. 273 of 2021, F.I.R. dated 11.12.2021 for the offences punishable under Sections 30(a), 4(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. According to prosecution case, during anti liquor drive, vehicles were being checked and a truck was intercepted and from this truck, 2484 litres of India made foreign liquor was recovered and this petitioner was apprehended, who was trying to flee away from the stop. The petitioner is stated to be the



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of the disclosure made by the co-accused person, namely, Surendra Singh. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence and the petitioner was arrested at the place of occurrence, but nothing incriminating article has been recovered from his possession, rather recovery has been made from the truck in question and the petitioner was driver of the truck in question. He further submits that the disclosure made by the co-accused, namely, Surendra Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 05.08.2022 passed in Cr. Misc. No. 22067 of 2022, another co-accused, namely, Kashif Ali has been granted bail by a co-ordinate Bench of this Court vide order dated 08.07.2022 passed in Cr. Misc. No. 32328 of 2022. Petitioner is in custody since 20.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner is resident of Uttar Pradesh and he carries three criminal antecedents other than the present one, but fairly submits that on the basis of paragraph-3 of the bail petition,



petitioner is on bail in all the three cases.

6. Considering the aforesaid facts and circumstances, 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-2-cum-ADJ,VII, Kaimur (Bhabhua) in connection with Durgawati P.S. Case No. 273 of 2021, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Prakash Narayan /-

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