

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75557 of 2023

Arising Out of PS. Case No.-358 Year-2023 Thana- BARUN District- Aurangabad

1. Shree Ram Son Of Kesha Ram R/O Village- Laukholayi Nadi, P.S.- Dhorimana, District- Barmer (RAJASTHAN)
2. Hanumaan Ram Son Of Sadramji @ Sad Ram R/O Village-Dhorimana, P.S.- Dhorimana, District- Barmer (RAJASTHAN)
3. Karna Ram Son Of Dhira Ram R/O Village- Kalji Ki Beri Bhimgudha, P.S.- Sarvana, District- Jalore (RAJASTHAN)
4. Narendra Kumar Son Of Baga Ram R/O Village- Arwa, P.S.- Sarwana, District- Jalore (RAJASTHAN)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Barun
P.S. Case No. 358/2023 registered for the offences punishable
under Sections 420, 467, 468, 471, 120(b)/34 of the Indian
Penal Code and 30(a), 32, 41 of Bihar Prohibition and Excise
Act, 2018.

As per prosecution case, the informant along with
other police officials found two containers standing near the Pali
Hotel. It is alleged that the drivers in both the vehicles made an



attempt to flee away after seeing the police but they were caught by force. On search, a container bearing No. HR47E6653, containing 2841 litre English Wine was seized from Shree Ram(Driver) and Hanumaan Ram(Helper) and a container bearing No. HR55AJ1896, containing 2535 litre English Wine was seized from Karna Ram(Driver) and Narendra Kumar(Helper). It is further alleged that all the four petitioners were apprehended on spot.

Learned counsel for the petitioner submits that petitioners bear no criminal antecedent. Petitioners have no knowledge regarding the recovery made from the two containers in question. Basically, they have nothing to do with the alleged occurrence and they were following the instruction of the owner of the vehicles in question for earning their livelihood. Nothing has been recovered from conscious possession of the petitioners. Petitioners are in custody since 30.07.2023. It is further submitted that the petitioners are innocent and has committed no offence as alleged in the FIR and they have falsely been implicated in this case. Learned counsel for the petitioners has orally submitted that they are not owner of the seized vehicles in question and they are not the claimants of any seized article. Petitioner no. 1 is the driver and petitioner no. 2 is the helper of



the six wheeler container truck bearing reg no. HR47E6653 and petitioner no. 3 is driver and petitioner no. 4 is helper of the the six wheeler container truck bearing reg. no. HR55AJ1896. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Special Judge Excise. 1st , Aurangabad in connection with Barun P.S. Case No. 358/2023 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain



present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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