

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74811 of 2023

Arising Out of PS. Case No.-283 Year-2023 Thana- MOTIPUR District- Muzaffarpur

1. Binod Kumar S/O Indraj R/O Village - 5 KRW Noorpur Dhani, P.S. - Sadul Sahar @ Sarrdul Sahar, Distt - Ganganagar (Rajasthan)
2. Jagdish Ram S/O Khairaj Ram @ Kheraj Ram R/O Village -Dhanau, P.S. - Dhanau, Dist - Barmer (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with
Motipur P.S. Case No. 283 of 2023, lodged on 13.09.2023,
registered for the offences punishable under Sections
30(a)/31/32(i)(ii)/36/41(i)(ii) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per the prosecution, total recovery in the present
case is 5694.840 liters of Indian made foreign liquor was made
from a truck.

4. Learned counsel for the petitioners submits that the
petitioners are the co-driver and driver respectively. Antecedent



of the petitioners is clean. The petitioners are in custody since 14.09.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that huge quantity of liquor has been recovered from the truck.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners, above named, be granted bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Court No.II, Muzaffarpur, in connection with Motipur P.S. Case No.283 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 his *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 bonds by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(iv) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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