

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3696 of 2023

Arising Out of PS. Case No.-609 Year-2022 Thana- RAMPUR District- Gaya

-
1. Birsa Orawn, S/o Saru Orawn, R/o Village-Maudar Bazar Road, P.S.-Maudar, Distt- Ranchi. (Jharkhand)
 2. Santosh Ravi @ Santosh Rabi S/o Jamuna Ravi R/o Village-Nava Toli, P.S.-Ratu, Distt- Ranchi.(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Rampur P.S. Case No. 609 of 2022 registered
for the alleged offences under Sections 30(a), 32(2)(3) and 41(1)
(2) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret
information about smuggling of foreign liquor from the State of
Jharkhand to the State of Bihar. A pick-up van was apprehended
along with a car and the petitioners who were stated to be driver



and co-driver of the pick-up van were apprehended along with the intercepted vehicle and from these petitioners recovery of 431.25 liters of India made foreign liquor was made. From the car recovery of 18 liters of India made foreign liquor was made.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners are driver and co-driver of the Bolero Pick-up van but nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners are not concerned with the allegedly recovered articles in any manner and the said recovery has not been made in the presence of independent witness. Charge sheet has been submitted in this case and the petitioner are in custody since 09.11.2022. The petitioners have got no criminal history.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioners are stated to be driver and co-driver of the vehicle and further considering the submission of charge sheet along with period of custody of the petitioners and their clean antecedent, the petitioners above named are directed to be



released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No. 1, Gaya in connection with Rampur P.S. Case No. 609 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Daya/-

U		T	
---	--	---	--

