

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5902 of 2024

Arising Out of PS. Case No.-141 Year-2023 Thana- KORMA District- Sheikhpura

1. VIJAY RAM SON OF BINDI RAM R/O-PENDI, P.S.-SARMERA, DISTT.-NALANDA STATE-BIHAR
2. RANJIT RAM SON OF YUGAL RAM R/O-PENDI, P.S.-SARMERA, DISTT.-NALANDA STATE-BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-02-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Korma Police Station Case No. 141 of 2023 registered for the offences punishable under Sections 30(a)/32 of the Indian Penal Code.

As per prosecution case, 47 litre country made liquor was recovered from motorcycle in question and 72 litre country made liquor was recovered from Mahendra Car in question and both petitioners were apprehended on spot.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this



case. It is further submitted that petitioner no. 1 is driver of the motorcycle in question and petitioner no. 2 is pillion rider. Learned counsel orally submits that petitioners are not owners of any of the seized vehicles and they have no knowledge regarding the illicit liquor kept in the said vehicles. Basically no incriminating article has been recovered from conscious possession of the petitioners. Petitioners are in custody since 29.10.2023. Learned counsel orally submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner no. 1 has got criminal antecedent of one case and petitioner no. 2 has criminal antecedent of two cases.

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, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand), each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Sheikhpura in connection with Korma Police Station Case No. 141 of 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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