

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6178 of 2024

Arising Out of PS. Case No.-432 Year-2023 Thana- KARJA District- Muzaffarpur

1. SIMARTHA RAM S/O TULSHA RAM @ TULACHHA RAM R/O VILLAGE- BHADRU, P.S- RAMCHAR, DISTT.- BARMER (RAJASTHAN).
2. GOSAI RAM S/O BABU LAL R/O VILLAGE- CHAUTAN, RAMSAR ROAD, P.S- CHAUTAN, DISTT.- BARMER (RAJASTHAN).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ibrahim
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seeks bail in connection with Karja P.S. Case No. 432 of 2023 registered for the offences punishable under Section 414, 420, 467, 468, 471/34 o the IPC and sections 30(a), 32(i)(ii), 41 (i), (ii) of the Bihar Prohibition and Excise Act .

3. As per prosecution case, there was alleged recover of 4870.785 litre illicit liquor from the truck in question and petitioner nos.1 and 2 being driver and co-driver respectively apprehended on the spot.

4. Learned counsel for the petitioner submits that



petitioner are in custody since 16.12.2023 and both bear no criminal antecedent. Learned counsel orally submits that petitioners are not the owner of the truck in question. He further submits that petitioner nos. 1 and 2 being driver and co-driver respectively have to follow the instruction of their owner to earn livelihood. Petitioners have no knowledge that illicit liquor kept in the said vehicle. Nothing has been recovered from the conscious possession of the petitioners. He further submits that petitioners are quite innocent and have falsely been implicated in the case.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, 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 Special Judge (Excise), Court No. II, Muzaffarpur in connection with Karja P.S. Case No. 432 of 2023, subject to 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)

vashudha/-

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