

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65236 of 2024

Arising Out of PS. Case No.-395 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

Hari Ram @ Harish Son of Sura Ram Resident of village - Konra, P.S.-
Chauhata, District - Bagder @ 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 : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-10-2024 Heard Mr. Anuj Kumar, learned counsel for the

petitioner and Mr. Uday Pratap Singh, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.05.2023 in connection with Makhdumpur (Tehta O.P.) P.S.
Case No. 395 of 2023, F.I.R. dated 22.05.2023 for the offences
punishable under Sections 467, 468, 419, 420, 471 and 34 of the
Indian Penal Code and Sections 30(a), 32(i) (ii) and 41(i) of the
Bihar Prohibition and Excise Amendment Act, 2022.

3. Recovery is of 4914.36 liters of liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
that nothing has been recovered from the conscious possession



of the petitioner rather the recovery has been made from the truck (container) in question. He further submits that it appears from the F.I.R itself that he has been made accused in the present case only on the ground that the petitioner is the driver of the vehicle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.05.2023.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge 1 Excise, Jehanabad in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 395 of 2023, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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